

George Washington Papers, Series 3, Subseries 3E, Varick Transcripts, Letterbook 1

To LIEUTENANT GENERAL THOMAS GAGE

Head Quarters, Cambridge, August 11, 1775.

Sir: I understand that the Officers engaged in the Cause of Liberty and their Country, who by the Fortune of War have fallen into your Hands, have been thrown, indiscriminately, into a common Gaol appropriated for Felons; That no Consideration has been had for those of the most respectable Rank, when languishing with Wounds, and Sickness; that some have been even amputated, in this unworthy Situation.

Let your Opinion, Sir, of the Principle which Actuates them, be what it may, they suppose they act from the noblest of all Principles, a Love of Freedom, and their Country: But political Opinions I conceive are foreign to this Point; the Obligations arising from the Rights of Humanity, and Claims of Rank are universally binding, and extensive (except in case of Retaliation): These I should have hoped, would have dictated a more tender Treatment of those Individuals, whom Chance or War had put in your Power. Nor can I forbear suggesting its fatal Tendency, to widen that unhappy Breach, which you, and those

Ministers under whom you act, have repeatedly declared you wish'd to see forever closed.

My Duty now makes it necessary to apprise you, that for the future I shall regulate my Conduct towards those Gentlemen, who are or may be in our Possession, exactly by the Rule you shall observe towards those of ours, now in your Custody.

If Severity and Hardship mark the Line of your Conduct (painful as it may be to me) your Prisoners will feel its Effects: But if Kindness and Humanity are shewn to ours, I shall with Pleasure consider those in our Hands, only as unfortunate, and they shall receive from me that Treatment, to which the unfortunate are ever intitled.

I beg to be favoured with an Answer, as soon as possible, and am Sir, etc.⁸²

To LIEUTENANT GENERAL THOMAS GAGE

Head Quarters, Cambridge, August 20, 1775.

Sir: I addressed you on the 11th. Instant in Terms, which gave the fairest Scope for the Exercise of that Humanity, and

82. The draft is in the writing of Joseph Reed. Gage replied (August 13):

"To the glory of civilized nations, humanity and war have been compatible; and compassion to the subdued is become a general system. Britons ever pre-eminent in mercy, have outgone common examples, and overlooked the criminal in the captive. Upon these principles your prisoners, whose lives by the law of the land are destined to the cord, have hitherto been treated with care and kindness, and more comfortably lodged than the King's troops in the hospitals; indiscriminately it is true, for I acknowledge no rank, that is not derived from the King.

"My intelligence from your army would justify severe recrimination. I understand there are of the King's faithful subjects, taken some time since by the rebels, laboring, like negro slaves, to gain their daily subsistence, or reduced to the wretched alternative, to perish by famine or take arms against their King and country. Those who have made the treatment of the prisoners in my hands, or of your other friends in Boston, a pretence for such measures, found barbarity upon falsehood.

"I would willingly hope, Sir, that the sentiments of liberality, which I have always believed you to possess, will be exerted to correct these misdoings. Be temperate in political disquisition; give free operation to truth, and punish those who deceive and misrepresent; and not only the effects, but the causes, of this unhappy conflict will be removed. Should those, under whose usurped authority you act, control such a disposition, and dare to call severity retaliation, to God, who knows all hearts, be the appeal for the dreadful consequences. I trust that British soldiers, asserting the rights of the state, the laws of the land, the being of the constitution, will meet all events with becoming fortitude. They will court victory with the spirit their cause inspires; and, from the same motive, will find the patience of martyrs under misfortune.

"Till I read your insinuations in regard to ministers, I conceived that I had acted under the King, whose wishes, it is true, as well as those of his ministers, and of every honest man, have been to see this unhappy breach for ever closed; but, unfortunately for both countries, those who long since projected the present crisis, and influence the councils of America, have views very distant from accommodation. I am, Sir, your most obedient humble servant.

"Thomas Gage."

Gage's letter, which was written, except the last paragraph, by Gen. John Burgoyne, is in the *Washington Papers*.

On August 14, Joseph Reed, by order of the Commander in Chief, wrote to the Council of Massachusetts, directing rigorous and retaliatory measures to be adopted toward the prisoners, though in a few days the order was revoked, and they were directed to show every indulgence and civility to the prisoners, so long as they demean themselves with decency and good manners. Reed's letter is in the Washington "Letter Books" and is printed in Force's *American Archives*, Fourth Series, vol. 3, 328.

Politeness, which were supposed to form a Part of your Character. I remonstrated with you on the unworthy Treatment, shewn to the officers and Citizens of America, whom the Fortune of War, Chance, or a mistaken Confidence, had thrown into your Hands.

Whether British or American Mercy, Fortitude, and Patience are most preeminent, whether our virtuous Citizens, whom the Hand of Tyranny has forced into Arms to defend their Wives, their Children, and their Property, or the mercenary Instruments of lawless Domination, avarice and Revenge, best deserve the Appellation of Rebels, and the Punishment of that Cord, which your affected Clemency has forborne to inflict: whether the Authority, under which Fact, is usurped, or founded upon the genuine Principles of Liberty, were altogether foreign to the Subject. I purposely avoided all political Disquisition; nor shall I now avail myself of those Advantages, which the sacred Cause of my Country of Liberty, and human Nature, give me over you: Much less shall I stoop to Retort and Invective. But the Intelligence you say you have received from our Army requires a Reply. I have taken Time, Sir, to make strict Inquiry, and find it has not the least Foundation in Truth. Not only your Officers and Soldiers have been treated with a Tenderness, due to Fellow-Citizens, and Brethren, but even those execrable Parricides, whose Counsels and Aid have deluged their Country with Blood, have been protected from the Fury of

a justly-enraged People. Far from compelling or permitting their Assistance, I am embarrassed with the Numbers, who crowd to our Camp, animated with the purest Principles of Virtue, and Love of their Country. You advise me to give free operation to Truth, to punish misrepresentation and Falsehood. If Experience stamps Value upon Counsel, yours must have a Weight, which few can claim. You best can tell, how far the Convulsion, which has brought Such Ruin on both Countries and shaken the mighty Empire of Britain to its Foundation, may be traced to these malignant Causes.

You affect, Sir, to despise all Rank, not derived from the same Source with your own, I cannot conceive one more honourable, than that, which flows from the uncorrupted Choice of a brave

and free People, the purest Source, and original Fountain of all Power. Far from making it a Plea for Cruelty, a mind of true Magnanimity, and enlarged Ideas would comprehend, and respect it.

What may have been the ministerial Views. which have precipitated the present Crisis, Lexington, Concord, and Charles Town can best declare. May that God, to whom you then appealed, judge between America, and you. Under his Providence, those who influence the Councils of America, and all the other Inhabitants of the united Colonies at the Hazard of their Lives are determined to hand down to

Posterity those just and invaluable Privileges, which they received from their Ancestors.

I shall now, Sir, close my Correspondence with you, perhaps forever. If your Officers, our Prisoners, receive a Treatment from me, different from what I wish to shew them, they and you will remember the Occasion of it. I am, sir, etc.⁴

To SIR WILLIAM HOWE

Camp Cambridge, August 23, 1775.

Sir: I flatter myself you have been misinform'd as to the conduct of the men under my Command, complain'd of in your's of Yesterday. It is what I should highly disapprove and condemn.

I have not the least Objection, to put a stop to the Intercourse between the two Camps, either totally or partially. It obtained through the pressing Solicitations of Persons cruelly seperated from their Friends and connections, and I understood was mutually convenient. I am Sir, etc.¹⁵

4. The draft, in the *Washington Papers*, is in the writing of Joseph Reed; the copy sent by Washington to Congress is in that of Edmund Randolph and is dated August 19. The letter sent is in the archives of the New York Historical Society and is dated the 20th. Washington's first letter to Gage (August 11) and Gage's answer were published by the British Government in the *London Gazette* about six weeks later, but the August 20 letter was ignored.

15. Howe's letter, to which this was a reply, is in the *Washington Papers*. It reads:

"Charlestown Camp, August 22, 1775 "Sir: The men under your command, having repeatedly fired upon the officers of his Majesty's troops, before they were returned to the outworks of this camp from parleys, that have been brought on by your desire, I am to request all further intercourse

between the two camps may be at an end your own letters excepted, which will be received, if you are pleased to send them by a drummer. I am, Sir, your most obedient servant.

"W. Howe."

To MAJOR CHRISTOPHER FRENCH

Camp at Cambridge, August 31, 1775.

Sir: I duly received your Letter of the 15th instant, with the Inclosures, which shall be forwarded into Boston, agreeable to your request.

I understand the Committee of Safety of Philadelphia, have directed an Escort with you to this Camp. The Accommodations, as well as many other Reasons, would make your Residence here extremely inconvenient, I have therefore directed that it be changed to Hartford. To this Effect I have wrote to the Committee there, who will take care that suitable Provision shall be made for you and your Companions, and shew you every civility, consistent with their Duty, and the Interest of the Public. Should Governor Trumbull think proper to make any Alteration of your Residence, he is impowered so to do, and I make no Doubt of your Acquiescence. I am Sir Your &c.²⁹

29. Major French, of the Twenty-third Foot, British Army, had been captured on his way to Boston. During his captivity he wrote many letters to Washington complaining of the treatment he received.

To MAJOR CHRISTOPHER FRENCH

Camp Cambridge, September 26, 1775.

Sir: Your Favor of the 18th instant, is now before me, as well as that from the Committee of Hartford, on the same Subject. When I compare the Treatment you have received, with that which has been shewn to those brave American Officers, who were taken fighting gallantly in Defence of the Liberties of their Country, I cannot help expressing some Surprize, that you should thus earnestly contest Points of mere Punctilio. The Appellation of Rebel, has been deemed sufficient to sanctify every Species of Cruelty to them, while the Ministerial Officers, the voluntary Instruments of an Avaricious and vindictive Ministry, claim, upon all Occasions, the Benefit of those Military Rules, which can only be binding, where they are mutual. We have shewn on our part the Strongest Disposition to observe them, during the present Contest; but I should illy support my Country's Honor, and my

own Character, if I did not shew a proper Sense of their sufferings, by making the condition of the Ministerial Officers, in some Degree, dependant on theirs.

My Disposition does not allow me, to follow the unworthy Example set me by General Gage, to its fullest Extent; You possess all the essential comforts of Life, why would you press for Indulgence of a ceremonious Kind, which gives general Offence.

I have looked over all the Papers sent me from Philadelphia, I find nothing in them upon the present Subject. Nor do I know, whether the Liberty of wearing your Swords was given or taken. But I flatter myself, when you come to consider all circumstances, you will save me the Trouble of giving any positive Direction. You will easily conceive, how much more grateful a compliance with the wishes of the People (among whom your Residence may be longer than you expect) will appear, when it is the result of your own Prudence and Good sense, rather than a Determination from me; I therefore should be unwilling to deprive you of an Opportunity of Cultivating their Esteem, by so small a Concession as this must be.

As I suppose your several Letters to me have been communicated to each other, I cannot forbear considering your conduct, "in declaring in a high Tone, that had you joined your Regiment, you would have acted vigourously against this country and done all in your Power to reduce it," as a Deviation from that Line of Propriety and Prudence, which I should have expected to distinguish the conduct of so old and experienced an Officer. You being so intirely in our Power, may extinguish the resentment a generous and enlightened mind would

otherwise feel, but I cannot commend the conduct which puts such a mind to the Trial, I am, Sir,
etc.⁶⁹

To MAJOR CHRISTOPHER FRENCH

Camp Cambridge October 19, 1775.

Sir: Your Letter of the instant was duly received. Doctor Franklin the chairman of the Committee of Safety of Philadelphia, is now in Camp, and when the necessary Attention to Matters of greater Importance will admit, I propose to make the proper Inquiries, and then will endeavour to settle the Matter in Question, in such a manner, as I hope will be final and Satisfactory. In the meantime, I must acquaint you, that those Gentlemen who came from Philadelphia, informed me, that the Liberty of Wearing your Swords was not made a Subject of Discussion, but passed wholly unnoticed,

which induced me to say, I did not know whether the Liberty was given or taken. My Time and other Engagements does not admit my continuing this correspondence;

69. Major French and his attempt to force retention of the privileges to wear his sword while a prisoner of war were fair examples of the general attitude of the British officers toward the inhabitants. His presumption was impertinent, but he was probably ignorant of the fact. His exceptional statement he explained in his letter to Washington (October 9): "I was asked by Mr. Paine if I would not fight against the colonies if set at liberty, and I answered that I would, in which might have been included, that I would endeavour to reduce them, but I did not say so; and I must appeal to you, Sir, if the question need or should have been asked. The answer was obvious, and therefore it could only be asked with a design to have something to say. I told them, therefore, that I gloried in serving my king and country, and should always do so, and I glory even in repeating it to you. I am convinced, Sir, you will not think the worse of me for supporting my honor as a man, and a British officer, which, in all situations I am determined to do." Lee's letter is in the *Washington Papers*.

but I shall have a real Pleasure in making your Situation as comfortable and convenient as my Duty will allow. I am Sir, etc.

To MAJOR CHRISTOPHER FRENCH

Head Quarters, Cambridge, October 25, 1775.

Sir: I now set down to give a final Answer to your Application respecting your Swords. Dr Franklin confirms, what I before mentioned, that the Privilege claimed was no Part of the Stipulation made at Philadelphia, but passed without Discussion.

Having made Inquiry, I find the rule with regard to the Indulgence in Question, is, that Prisoners do not wear their Swords. I therefore cannot approve of it, more especially as it gives such general Dissatisfaction to the good People of the country.

To your other request, of removing to some Place where you can have the Benefit of attending public Worship in the Church of England, I have not the least Objection, provided the Place is approved by Governor Trumbull, to whom, in this Case, you will be pleased to apply.

Your Letters &ca. have been all sent into Boston and such as have been sent out, forwarded. The Select Men, at the Instance of Col. Robinson, have applied to have Mr McDermot sent in, to which

I have agreed, upon Condition that a Gentleman of Boston, most injuriously confined in Gaol, be permitted to come out. To which Proposal I have yet received no Answer.

I wish you all the Happiness consistent with your Situation and while the Inhabitants of America treat you with Humanity and Kindness, I trust you will make a Suitable Return. It is not grateful to me to hear the respectable citizens of any Town treated with Incivility or Contempt. I am sir, etc.

To SIR WILLIAM HOWE

Camp Cambridge, December 18, 1775.

Sir: We have just been informed of a Circumstance, which, were it not so well Authenticated, I should scarcely think credible; It is that Col: Allen, who with his small party, was defeated and taken Prisoner near Montreal, has been treated, without

regard to decency, humanity, or the Rules of War; That he has been thrown into Irons and suffers all the Hardships inflicted upon common Felons.

I think it my Duty Sir, to demand and do expect from you an Ecclaireissement on this Subject; at the same Time I flatter myself, from the Character which Mr. Howe bears, as a man of Honor, Gentleman and Soldier, that my demand will meet with his Approbation: I must take the Liberty also of Informing you, that I shall consider your silence, as a confirmation of the Truth of the report; And further assuring you that whatever Treatment Colonel Allen receives; whatever fate he undergoes, such exactly shall be the Treatment and Fate of Brigadier Prescott, now in our Hands.

The Law of Retaliation, is not only justifiable, in the Eyes of God and Man, but absolutely a duty, which in our present circumstances we owe to our Relations, Friends and Fellow Citizens.

Permit me to add Sir, that we have all here the highest regard and reference for your great personal, Qualities and Attainments, and that the Americans in general esteem it not as the least of their Misfortunes, that the name of Howe; a name so dear to them, should appear at the Head of the Catalogue of the Instruments, employed by a wicked Ministry for their destruction.

With due Respect I have the Honor to be, etc.

P.S.: If an Exchange of Prisoners taken on each Side, in this unnatural Contest, is agreeable to General Howe, he will please to Signify as much, to his Most Obedient.⁶⁷

67. Congress by a resolve (December 2) had directed Washington to obtain the exchange of Allen. Howe did not feel himself authorized to hold exchange negotiations without directions from England. Washington's words apparently touched a tender spot, for Howe replied (December 25): "It is with regret, considering the character you have always maintained among your friends, as a gentleman of the strictest honor and delicacy, that I find cause to resent a sentence in the conclusion of your letter, big with invective against my superiors, and insulting to myself, which should obstruct any further intercourse between us." This letter is in the *Washington Papers*.

To SIR WILLIAM HOWE

Head Quarters, Cambridge, January 30, 1776.

Sir: I have it in Command from the Honorable Continental Congress, to propose an Exchange of Governor Skeene for Mr. James Lovell and Family. If the proposition is agreeable, you will please to signify as much to me, and Mr. Lovell, that he may prepare for his removal, whilst I cause Mr. Skeene to be brought to this place. I am Sir Your etc.⁶⁶

66. Howe's answer (February 2) was to the effect that he had intended to liberate Lovell, but discovered that he had carried on a prohibited correspondence, and for that reason declined to release him. Howe's letter is in the *Washington Papers*.

To CAPTAIN SAMUEL MACKAY¹³

New Haven, April 11, 1776.

Sir: I received yours of the 9th. instant, and could wish that it was in my Power, consistent with the Duty I owe my Country to grant you the Relief you desire. I have made repeated applications to General Howe for an Exchange of Prisoners, but he has not thought proper to return me any Answer. It has been in his Power to set you at Liberty, and if you are

13. Mackay was captain of a company of Canadians, British Provincial troops.

still continued a Prisoner the blame must lay entirely upon him.

The Situation of your Family is indeed distressing; but such is the Event of War, it is far from being singular. The brave Col. Allen an Officer of Rank, has been torn from his dearest Connections, sent to England in Irons, and is now confined to the most servile drudgery on board one of the King's Ships. Your treatment Sir, and that of the other Officers, taken in Arms against the Liberties of America, has been very different, for the Truth of this I appeal to your own feelings.

Whenever it is in my Power to release you, by a Mutual Exchange, I shall do it with the greatest Pleasure and am Sir, etc.¹⁴

To JAMES, LORD DRUMMOND

New York, April 23, 1776.

My Lord: Understanding that the Committee of Safety for this Colony, have given your Lordship permission to visit Bermuda for the Benefit of your Health. I take the Liberty of wishing you a pleasant Voyage and a speedy

14. The draft is in the writing of John Trumbull.

and perfect restoration of it.⁴⁵ With respect, I have the honor to be, etc.

To SIR WILLIAM HOWE

New York, July 15, 1776.

Sir: I have it in charge from Congress to transmit the inclosed Resolutions to you;⁴³ And have the honor to be, etc.

To SIR WILLIAM HOWE

Head Quarters, New York, July 30, 1776.

Sir: Lieutenant Col. Pattison, Adjt. General of the Army under your command, at the Interview between us,

45. On his return from Bermuda this officious nobleman, though still on parole, busied himself again with peace negotiations through Lord Howe. (See letter to James, Lord Drummond, Aug. 17, 1776, *post.*)

43. The same letter was sent to Gen. John Burgoyne. The resolves referred to were those of July 10, 1776, announcing retaliatory measures for treatment received by Americans taken prisoner at The Cedars.

having proposed an Exchange of Mr. Lovell for Govt. Skeene, I am authorized to inform you, that the Congress have not only approved of this proposition, but judging that a General Exchange of Prisoners, will be attended with mutual convenience and pleasure to both parties, have empowered their Commanders in each Department to negotiate one in the following manner, "Continental Officers for those of equal rank, either in the Land or Sea Service, Soldier for Soldier, Sailor for Sailor and Citizen for Citizen." They have also particularly mentioned the Exchange of Col. Ethan Allen for any Officer of the same or inferior rank.

You will be pleased to signify the time and place for that of Mr. Lovell and Governor Skeene, that I may give direction for the latter to be ready, who is now at Hartford about 120 miles from hence; also to favor me with your Sentiments, as well on the proposition respecting Col: Allen, as on the Subject of a Genl. Exchange. I am, etc.²⁶

26. In the writing of Robert Hanson Harrison.

To MAJOR CHRISTOPHER FRENCH

Head Quarters, New York, August 7, 1776.

Sir: I am to acknowledge the receipt of your favor of the July, intimating your expectations of release on the 12th. of this month.

I have considered your Parole, advised with those whose Knowledge and experience gives weight to their Opinion, and otherwise endeavoured to inform myself how far your Construction of it is founded upon Justice, Reason or Usage; I do not find it warranted by either, My Duty therefore Obliges me to over rule your Claim as a matter of Right. As a matter of favor, Indulgence is not in my Power, even if your General Line of Conduct as a Prisoner had been unexceptionable.

I have therefore wrote to the Committee of Hartford, sent them a Copy of this Letter and hope you will, without Difficulty, conform to the Regulations already made with respect to Prisoners, by the General Congress.

It is probable a general Exchange of Prisoners will soon take place, it will then be a pleasing part of my Duty, to facilitate your return to your Friends and connections, as I assure you it is now a painful one to

disappoint you, in an Expectation which you seem to have formed, in a full Persuasion of being right and in which on mature Deliberation, I am so unhappy as totally to differ from you. I am Sir etc.

To MAJOR CHRISTOPHER FRENCH

Head Quarters, New York, August 8, 1776.

Sir: I was unwilling to determine hastily, upon your claim of a Release founded upon your Parole, and therefore delayed the acknowledgment of your favor of the 22d July, until I should fully inform myself. I had accordingly wrote you Yesterday, that I was so unhappy as to differ from you in the construction you had put upon it, but as there was reason to believe, a General Exchange of Prisoners might soon take place, I should chearfully facilitate your return to your Friends.

Last Night I received your favour of the 5th. August waving your Claim of a Release, which makes any farther Discussion of that matter unnecessary. Your

other proposal, of being exchanged for Major Meigs⁶⁹ or Col: Allen, will meet with no Objection from me; should you write to General Howe on the Subject the Letter shall be chearfully forwarded and his Answer returned.

Should any Difficulty arise in the Exchange, I am doubtful, how far I should be authorized, without consulting the Congress, to grant you an Indulgence similar to that of Major Meigs, which I have been informed was allowed in consequence of his saving the Life of a British Officer, either nearly connected with, or much esteemed by General Carlton.

However, you may assure yourself Sir, that both Duty and Inclination lead me to relieve the unfortunate and that I agree with you, that your long and early Captivity gives you a very just Claim

to special Notice, and I shall be happy in furthering your Wishes, as far as my Station will admit. I am Sir, etc.

To SIR WILLIAM HOWE

Head Quarters, New York, August 17, 1776.

General Washington begs Leave to acquaint

69. Maj. Return Jonathan Meigs, of the Second Connecticut Regiment.

General Howe that he has not the least Objection to Mr. Temple's³⁶ Landing, and proceeding to his Family in the State of the Massachusetts Bay: On the other Hand he will meet with every Assistance and Conveniences for that Purpose.³⁷

To RICHARD, LORD HOWE

Head Quarters, New York, August 17, 1776.

My Lord: Being authorized by Congress, as their Commanders in every Department are, to Negotiate an Exchange of Prisoners; and presuming, as well from the Nature of your Lordship's command, as the Information General Howe has been pleased to Honor me with, that the Exchange in the Naval Line will be subject to your Lordship's Directions, I beg leave to propose the following mode of Exchange for your Lordship's consideration, Vizt. "Officers for those of equal Rank and Sailors for Sailors."

If the above proposal should be agreeable to your Lordship, I am charged in a particular manner to exchange any Officer belonging to the British Navy in our hands and of equal Rank, for Lieut Josiah, who was lately made prisoner in a Ship retaken by the Cerberus Frigate.

The Reason my Lord, of my being

36. Robert Temple. His claim against Congress for damages was not settled until 1779.

37. In the writing of Joseph Reed.

charged to propose the exchange of Lieut Josiah, in preference to that of any other Officer, is, that authentic Intelligence has been received, that regardless of his Rank, as an Officer, he has not only been subjected to the duties of a common Seaman, but has experienced many other marks of Indignity.

As a different Line of Conduct, My Lord, has been ever observed towards the Officers of your Navy, who have fallen into our Hands, It becomes not only a matter of Right, but of Duty, to mention this to your Lordship,³⁸ to the end that an Inquiry may be made into the case above refered to.

From your Lordship's Character for Humanity, I am led to presume, the Hardships imposed on Lt. Josiah, are without either your Knowledge or concurrence, and therefore most readily hope that upon this representation, your Lordship will enjoin all Officers under your command, to pay such regard to the Treatment of those that may fall into their Hands, as their different ranks and Situations require, and such as your Lordship would wish to see continued by us, to those who are already in our power, or who may hereafter, by the chance of War, be subjected to it. I have the Honor etc.

38. In Washington's "Letter Book," in the writing of Robert Hanson Harrison, there are a few verbal changes from the copy of the letter as sent, the most radical of which is the phrase noted which reads "it becomes not only a matter of duty but of right in me to mention this," etc. Howe's reply (August 19) acceded to the suggested exchange, but answered the charge of ill treatment with a general statement that all his officers disapproved insults and indignities to prisoners of every rank. Howe's letter is in the *Washington Papers*.

To SIR WILLIAM HOWE

Head Quarters, New York, August 17, 1776.

Sir: I do myself the Honor to transmit the inclosed Letter from Major French, and at the same time to inform you, that his Exchange for Major Meigs, whose Parole I am advised you have, will meet my Approbation. I would take the Liberty also to propose an Exchange of any Captain you may chuse, for Captain Dearborn,³⁹ whose Parole I have heard was delivered you with Major Meigs's.

Give me leave to assure you Sir, that I feel myself greatly obliged by the polite conclusion of your Letter of the 1st. instant, and have a high sense of the Honor and Satisfaction I should have received

from your personal Acquaintance. The different State of the Colonies from what It was last War and which has deprived me of that Happiness, cannot be regretted by any one more than Sir Your etc.

To JAMES, LORD DRUMMOND

New York, August 17, 1776.

Sir: I have your Lordships Favor of this Day accom

39. Capt. Henry Dearborn, of the First New Hampshire Regiment. He had been captured at Quebec and was exchanged in March, 1777, and, later, was promoted to major and lieutenant colonel of the Third New Hampshire Regiment. He was Secretary of War of the United States, 1801–1809, and a major general in the War of 1812.

panied by Papers on Subjects of the greatest Moment and deserving the most deliberate consideration.

I can allow much for your Lordships well meant Zeal on such an Occasion, but I fear it has transported you beyond that attention to your Parole, which comprehends the Character of a Man of Strict Honor. How your Lordship can reconcile your past or present Conduct with your Engagement, so as to satisfy your own Mind, I must submit to your own Feelings; but I find myself under the disagreeable Necessity of Objecting to the Mode of Negotiation proposed while your Lordship's Conduct appears so exceptionable.

I shall, by Express, forward to Congress your Lordship's Letter and the Papers which accompanied it; The Result will be communicated as soon as possible.

I am sorry to have detained your Lordship so long, but the unavoidable Necessity must be my Apology. I am etc.

To SIR WILLIAM HOWE

Head Quarters, New York, September 6, 1776.

Sir: By a Letter from Major General Sullivan,

while on Long Island, and which he acquainted me was wrote by your permission, I was informed, it would be agreeable to exchange that Gentleman for Major General Prescott, and Brigadier Lord Sterling for any Brigadier of yours in our possession.

In consequence of this intelligence, I have wrote to Congress, requesting that General Prescott may be sent here, that this proposal may be carried into execution. We have no Brigadier of yours a Prisoner with us, except General McDonald, taken in North Carolina, whom I am willing to exchange for Lord Sterling, and shall be glad to know your pleasure on the Subject.¹⁹ I have the Honor to be Sir, etc.

To RICHARD, LORD HOWE

Head Quarters, New York, September 9, 1776.

My Lord: I do myself the Honor of transmitting to your Lordship the inclosed Letter, recommended to my care by Doctor Franklin and which just now came to Hand.⁴¹

If your Lordship shall incline to

19. See Washington's letter to Sir William Howe, Sept. 19, 1776, *post*.

41. Benjamin Franklin's letter of September 8 in answer to Howe's of August 16 informing his Lordship that the committee of Congress of which he (Franklin) was a member would soon be at Amboy, N.J., as a result of Howe's message through General Sullivan.

return an Answer to Dr. Franklin, and will Honor me with the charge of it, I will immediately forward it to him by Express. I am, etc.

To SIR WILLIAM HOWE

Head Quarters, September 19, 1776.

Sir: I have the honor to advise you, that in consequence of General Sullivan's Information, first by Letter and afterwards verbally, that you were willing to exchange him for Major General Prescott, and Brigadier Genl. Lord Sterling for any Brigadier of yours in our possession: I wrote to Congress

to send General Prescott to some convenient place, from whence the proposed Exchange might be made. And supposing that it would be agreeable to exchange Lord Sterling for Brigadier General McDonald, he is also come forward with General Prescott. Both these Gentlemen are now at Elizabeth Town, and I only wait your Answer to this, in which you will please to fix the Time and place,

when and where the Exchange may be effected. I am, etc.⁸⁸

To SIR WILLIAM HOWE

Head-Quarters, Heights of Haerlem, September 23, 1776.

Sir: I yesterday evening received the favor of your letter of the 21st. by your Aid de Camp Captn. Montresor¹¹; in consequence of which, I this morning despatched an Express to Elizabeth Town with orders that Major Genl. Prescott should be permitted to return in the Boat that carried Genl. Sullivan over to that place.

I most readily concur in the proposition you are pleased to make for the Exchange of Brigadier General Lord Stirling for Governor Montfort Brown and have sent for him accordingly. I should hope that Lord Stirling will be immediately set at liberty, on my promise that Governor Brown shall be sent to you as soon as he arrives.¹² I had no doubt but Mr. McDonald's title would have been acknowledged, having understood that he received his Commission from the hands of

88. Howe answered on September 21. He agreed to exchange Sullivan for Prescott but demurred at Stirling for McDonald, as the latter was only a major in rank. Howe proposed instead Gov. Montfort Browne. Gen. Donald McDonald, of the Royal Highland Emigrants, had been captured by Col. Richard Caswell, of the North Carolina Militia, the day after the action at Moores Creek Bridge, in North Carolina, February 27. He was exchanged Dec. 3, 1776. The last paragraph of Howe's letter recited: "My Aid de Camp charged with the Delivery of this Letter will present to you a Ball cut and fixed to the Ends of a Nail, taken from a Number of the same Kind, found in the Encampments quitted by your Troops on the 15th Instant. I do not make any Comments upon such unwarrantable and malicious Practices, being well assured the Contrivance has not come to your Knowledge." Howe's letter is in the *Washington Papers*.

11. Capt. Robert Montresor, of the Forty-ninth Foot, British Army.

12. Washington wrote to Brig. Gen. Hugh Mercer (September 23) directing him to send forward General Prescott but to return McDonald to Philadelphia and take the directions of Congress concerning him. This letter is in the *Washington Papers*.

Governor Martin¹³, nor can I consent to rank him as Major, till I have proper authority from Congress, to whom I shall state the matter upon your representation.

Agreeably to your request, I shall transmit to Lieutt. Colo. Campbell,¹⁴ a copy of the List of Officers of the 42d. and 71st. Regiments, taken by us last spring, that it may be rectified in the Instances in which it may be wrong, and will then place opposite to their Names the Officers I would wish in return for them: The Exchange of privates, I shall take the earliest opportunity in my power to carry into execution; but their being greatly dispersed through the New England Governments, in order to their better accommodation, will prevent it for some time.

Having the fullest confidence in your assurance, that Mr. Lovell will be released when he arrives from Halifax, I have wrote for Governor Skene to come to Head Quarters, that he may proceed immediately to you.

As to the Exchange of prisoners settled between Captn. Foster¹⁵ and Genl. Arnold, I beg leave to inform you, that it was a transaction, in which I had not the smallest concern, nor have I authority to give directions in any degree respecting the matter.

The information you have received concerning the ill-treatment of your Officers, I would fain hope is not generally well founded: The Letters from

13. Gov. Joseph Martin, of North Carolina.

14. Lieut. Col. Archibald Campbell, of the Seventy-first Foot, British Army.

15. Capt. George Forster, of the Eighth Foot, British Army.

them, which have passed through my Hands, hold forth a different language. In particular instances, 'tis true, there are some who have been restricted to a closer confinement and severer treatment than they otherwise would have been, for breaking or refusing to give their paroles. Such I am confident will not be countenanced by your Excellency, and I am persuaded by a closer investigation of the enquiry, you will discover, that there have been no other persons whatever, who have experienced the smallest harshness from us; I shall However obtain all the information on the

Subject in my power, that every ground of complaint, if any exists, may be entirely removed, it being my most earnest wish, that during this unhappy contest, there be every exercise of humanity, which the nature of the case will possibly admit of.

Your Aid de Camp delivered me the Ball you mention, which was the first of the kind I ever saw or heard of; You may depend the contrivance is highly abhorred by me, and every measure shall be taken to prevent so wicked and infamous a practice being adopted in this Army. I have the honor &c.

To LIEUTENANT COLONEL ARCHIBALD CAMPBELL

Head Quarters, Heights of Harlem, September 29, 1776.

Sir: I have been favored with a Letter from his Excellency General Howe of the 21st. instant on the Subject of an Ex change of Prisoners both Officers and Privates. To carry this into Execution it is necessary that the Numbers on both Sides should be exactly ascertained; in order to determine this, General Howe sent me a List of the Officers and Privates of the 42d and 71st. Regimts. of which the inclosed is a Copy. But adds "it is not so correct as I could wish having received no regular Returns of the 42d. and 71st. Regiments taken this year, but beg leave to refer you to Lt. Col: Campbell of the 71st. to rectify any omissions that may be"; I have therefore to desire, that you would as soon as possible make the proper additions or Alterations and return the same to me. I am Sir, etc.

To SIR WILLIAM HOWE

Head Quarters, Harlem Heights, October 6, 1776.

Sir: I beg leave to inform you, that in consequence of

my directions, founded on your favor of the 21st Ulto. Governors Brown and Skeene are arrived within the Neighbourhood of this place and will be conveyed to morrow, between the Hours of one and Two, to one of the Ships of War in the North River, when it is hoped that my Lord Sterling will be permitted to return, as also Mr. Lovell, if he is come from Halifax.

The particular manner in which you rest upon me, by your Letter of the 4th. instant, a performance of the Agreement between General Arnold and Capt: Forster, was entirely unexpected, as I inclosed you some time ago, the Resolutions of Congress upon the Subject, by which you would perceive that they, to whom I am amenable, had taken upon themselves the consideration of the Matter. As to

the Prisoners mentioned in my Letter of the 23d, their Exchange shall be effected, as soon as the circumstances I made you acquainted with will admit of.

The inclosed Note for Mrs. DeLancey, you will be pleased to have conveyed by the earliest Opportunity. I am etc.

To SIR WILLIAM HOWE

Head Quarters, November 9, 1776.

Sir: Yesterday Evening I received the favor of your

Letter of the 8th. instant. Major Stewart's⁵ Servant having never represented himself as a person not enlisted in your Army, he was considered as a Prisoner of War and sent as such to Jersey. But upon your information that he was not in the Capacity of a Soldier, I will give immediate directions for him to be brought back that he may return to his Master.

This Servant was charged with a Letter of a private and delicate nature; but Major Stewart may be assured the Contents neither were nor shall be permitted to transpire.

I regret that it has not been in my Power to effect the proposed Exchange of Prisoners before this Time. As soon as the proposition was agreed to, I wrote to the Governors and Conventions of the different States where the Prisoners were, to have them collected and sent to the most convenient places in the neighbourhood of the two Armies; their dispersed situation for their better accomodation has been the reason of the delay; At least I cannot ascribe it to any other cause: It has not arisen Sir, from any design on my part, and I am persuaded, the difficulty of drawing them together must be evident to you, especially as it was early suggested in some of my former Letters. As to the charge of your Officers being confined in common Gaols, I had hoped, that you were satisfied by my Assurances on this Head before. It is not my wish that Severity should be exercised towards any, whom the fortune of War has thrown, or, shall

5. Maj. Charles Stuart, of the Forty-third Foot, British Army.

throw into our hands. On the Contrary, It is my desire that the utmost Humanity should be shewn them. I am convinced the latter has been the prevailing line of Conduct to Prisoners. There have been instances in which some have met with less Indulgence than could have been wished, owing to a refractory conduct and a disregard of Paroles. If there are other Instances, in which a Strict regard

to propriety has not been observed, they have not come to my knowledge, and if you will be pleased to point them out and to particularize the Names of the Officers, the earliest inquiry shall be made into the complaint, and the cause removed if any exists.

With Respect to the Stragglers who have lately fallen into our Hands, I cannot, upon the best consideration, discern how the Agreement subsisting between us is affected by sending them to Places from whence they may be easily collected upon a General exchange. That the Custom of War requires, or that the Interest of an Army, would admit of a daily Exchange of Prisoners are Points on which we are so unhappy as to differ in Sentiment. The Opportunities of conveying Intelligence and many other Consequences flowing from such an Intercourse seem so very obvious, that upon farther reflection, I flatter myself you will think with me on this Subject. But if otherwise it might have been

exemplified on your part, in the immediate return of such Stragglers from our Army as have fallen into your Hands, which would have justified an Expectation of a similar Conduct from us. I am Sir, with great Respect &ca.⁶

To SIR WILLIAM HOWE

Brunswick, December 1, 1776.

Sir: I am to acknowledge the Honor of your favor of the 11th Ulto. and to thank you for your polite return of my Letter to Mrs. Washington.

Agreeing to the Proposition you were pleased to make for the exchange of such Prisoners as can be conveniently collected. The Gentlemen whose names are specified in the inclosed List have permission to proceed immediately to New York. Others, as soon as they arrive, will be allowed the same indulgence. At a proper season I shall require a return of the like number and of equal rank.

Having directions from Congress to propose an Exchange of Governor Franklin for Brigadier General Thompson, I would take the Liberty to submit the matter to

6. The draft of this letter is in the writing of Robert Hanson Harrison. The last paragraph however, was, by Washington's direction, rewritten by Joseph Reed and so incorporated in the letter as sent. There was no change of thought, but a better and smoother expression of the same idea, though Reed's draft shows the difficulty he encountered in smoothing out the text.

your determination, and to request your Answer upon the Subject.

Besides the Persons included in the inclosed List, Captain Hesketh of the 7th Regiment, his Lady, 3 Children and two Servant maids were permitted to go in a few days ago. I am Sir, etc.¹¹

To SIR WILLIAM HOWE

Head Quarters, December 3, 1776.

Sir: The Letter which accompanies this, was designed to have been sent by the Gentlemen whose names are in the List it incloses; but by some Accident or delay of my messenger they had left Brunswick before it reached them. Since that time I have been informed, that a Number of others both Officers and Soldiers are coming on from the State of Pennsylvania. I have directed Col. Moylan to meet, and to give them a safe conduct to your out Posts, he will transmit you a List of their number, names and Ranks, and I shall as I mentioned in my former Letter, soon make a Requisition of the like number of equal Rank. I am &ca.¹⁶

11. The draft is in the writing of Robert Hanson Harrison and Tench Tilghman.

16. The draft is in the writing of Tench Tilghman.

To SIR WILLIAM HOWE

Bucks County, December 12, 1776.

Sir: The inclosed Lists⁸⁶ which I have taken the Liberty of transmitting comprehend the Officers belonging to your Army who were returned on the 4th, 7th. and 8th. current, by Col. Moylan, in pursuance of my direction. I have affixed against their names such belonging to us, as I wish to have released, and who are of the same rank, except in the Instance of Colo. Allen.⁸⁷ His exchange on account of his long imprisonment, I have been particularly instructed to propose.

The Officers whose enlargement I now require, are chiefly on parole and of those who were sent from Canada by Genl. Carleton. In respect to the privates, you will be pleased to direct an equal

number to be returned, out of those who were made Prisoners on Long Island on the 27th of August, including six Volunteers described in one of the Lists.

I thank you for the ready attention that was had to the return of Maj or Bird⁸⁸ and others who came out with him, in exchange for the Officers who went from Brunswick, but I must request that upon any future Occasions, the particular Officers to be returned shall be of my appointment,

86. Copies of these lists are not now found in the *Washington Papers*.

87. Col. Ethan Allen.

88. Maj. Edward Burd, of the Pennsylvania Battalion of the Flying Camp. He had been taken prisoner at Long Island, N. Y.

or some person authorized for the purpose.

I cannot conclude this Letter, without mentioning the severe Treatment of Monsr. Wiebert.⁸⁹ This Gentleman, was made prisoner on the 16th. Ult. with the Garrison on York Island and who holds the Rank of a Lieut: Colo: in our service, I am credibly informed has been committed to the Provoost Guard and is there suffering all the inconveniences of a Gaol.

I am persuaded, this Treatment is without your Knowledge and that the Complaint will be removed, as soon as it is discovered. I am Sir, etc.⁹⁰

To SIR WILLIAM HOWE

Head Quarters, December 17, 1776.

Sir: I would beg leave to recall your Attention to the proposition for the Exchange of Prisoners, to the several Letters I have lately written on that Subject, and to inform you that I have not received such Officers in Exchange, as were requested by me.

I am persuaded, Sir, that this mistake

89. Lieut. Col. Antoine Felix Wuibert. He seems to have been mistreated because he did not have his commission with him when captured. Putnam forwarded the commission to Washington in a letter (December 12) from Philadelphia. It is in the *Washington Papers*.

90. The draft is in the writing of Robert Hanson Harrison.

has arisen from Mr. Commissary Loring's Zeal to facilitate the Business; but I would at the same time desire, that you would give him Orders, whenever any of your Officers are sent in by me, not to send others in Exchange, 'till he is furnished with a List from me, of such as I would chuse to prefer, which shall always be done, as soon as possible. For, as the Prisoners seldom pass my Head Quarters on their Way, it is not in my power to transmit such Lists by them, without occasioning their delay. If this Mode is not complied with in future, I shall be under the disagreeable necessity of stopping others from going in, as my Ideas and Expectations are by no Means answered from what has happened.

I inclose you a List of 7. Officers, who were sent in from Bristol on the 14th. and of two Officers and two privates who accompany the present Flag. As the remainder of all those who were in the State of Pennsylvania, are on the Road and expected here daily, I shall defer making a demand of those I would chuse in Exchange, 'till the whole come up. I am, etc.³⁶

To SIR WILLIAM HOWE

Head Quarters, Bucks County, December 29, 1776.

Sir: I take the Liberty of inclosing you a Letter for

36. The draft is in the writing of Tench Tilghman.

General Lee, which I must beg the favor of you to have forwarded, as early as possible, as it contains a draft upon Major Small for a sum of Money, of which I fear the General will be in want.

A Division of prisoners of the 7th. Regt. with Captain Newmarsh,¹¹ crossed the River at Easton and went in without Mr. Moylan's Knowledge; From the irregularity of the Officer who conducted them, who did not make me a Return of their Names and Rank, I am ignorant of either. I shall therefore be much obliged, if you will order Mr. Loring to furnish me with a proper List of them, that I may make a demand of the like number in Exchange. I am Sir &ca.¹²

To CHARLES, EARL CORNWALLIS

Morris Town, January 8, 1777.

My Lord: Your Lordship's Favor of Yesterday was delivered to me by the Officer who met your Flag of Truce.

You may be assured, that no molestation will be offered to the Convoy of Money and Stores, which Genl. D'Heister⁶² means to send to the Hessians taken at Trenton, or to the Surgeon with Medicines for the Wounded at Princeton,

11. Capt. Timothy Newmarsh, of the Seventh Foot (or Royal Fusileers).

12. The draft is in the writing of Tench Tilghman.

62. Lieut. Gen. Leopold Phillip von Heister, commander in chief of the Hessian troops in America.

by any part of the regular Army under my command: But I cannot answer for the Militia who are resorting to Arms in most parts of this State, and exceedingly exasperated at the Treatment they have met with, from both Hessian and British Troops.

I therefore thought it most adviseable, to direct Captain Barry,⁶³ the Bearer of this, to give a safe conduct to the Hessian Baggage as far as Philadelphia, and the Surgeon and Medicines to Princeton.

I have no objection to the Hessian Serjeant and twelve men's attending their Baggage, till it is delivered to their Countrymen; but cannot consent to their carrying their Arms, as I think none but bad Consequences can ensue from such a measure. I am etc.⁶⁴

To RICHARD, LORD HOWE

Head Quarters, January 13, 1777.

My Lord: I am sorry that I am under the disagreeable necessity of troubling your Lordship with a Letter, almost wholly on the Subject of the cruel Treatment, which our Officers and Men in the naval Department, who are unhappy enough to fall

63. Capt. Thomas Berry(?), of the Eighth Virginia Regiment.

64. The draft is in the writing of Tench Tilghman.

into your hands, receive on board the Prison Ships in the Harbour of New York. Without descending to particulars, I shall ground my complaint upon the matter contained in the inclosed paper, which is an exact Copy of an Account of the usage of the Prisoners, delivered to Congress by a Captain Gamble, lately a Prisoner himself in New York.

If this Account be true, of which I have no reason to doubt, as Captain Gamble is said to be a Man of veracity, I call upon your Lordship, to say whether any treatment of your Officers and Seamen has merited so severe a Retaliation. I am bold to say it has not; so far from it, that the Officers and Seamen, taken on Board Armed Ships, have been treated with the greatest Humanity, and not forced to enter on Board any of our Public or Private Vessels of War; and those taken in the Merchant Service, have been immediately set at Liberty.

From the Opinion I have ever been taught to entertain of your Lordship's Humanity, I will not suppose, that you are privy to proceedings of so cruel and unjustifiable a nature; and I hope that, upon making the proper Inquiry, you will have the matter so regulated, that the unhappy Creatures, whose Lot is Captivity, may not in future have the Miseries of Cold, disease and Famine, added to their other Misfortunes. You may call us Rebels, and say, that we deserve no better treatment; But remember

my Lord, that supposing us Rebels, we still have feelings equally as keen and sensible, as Loyalists, and will, if forced to it, most assuredly retaliate upon those, upon whom we look, as the unjust invaders of our Rights, Liberties and properties. I should not have said thus much, but my injured Countrymen have long called upon me to endeavour to obtain a redress of their Grievances; and I shall think myself as culpable, as those who inflict such severities upon them, were I to continue silent.

I enclose your Lordship a List of the Captain and Crew of an Armed Boat belonging to Georgia, taken by the Rover Man of War Captain Stanhope. There are a sufficient Number of Prisoners in Georgia, belonging to your Navy, to make an exchange. If the Measure meets your Approbation, it will be very agreeable to both parties. I lately sent in Lieutt. Boger who belonged to the Liverpool Frigate, Captain Bellew of the same Frigate took a Capt. Burk and sent him into New York for the express purpose of having him exchanged for Boger, I should therefore be glad to have Captain Burke sent out.

There are two Captains of Merchantmen by the Name of Bell and Getshius on Board the Whitley prison Ship; if your Lordship will grant them their Liberty upon Parole, I will engage to send two British Masters in Exchange for them. I am &ca.⁵

5. The draft is in the writing of Tench Tilghman.

To SIR WILLIAM HOWE

Head Quarters, Morris Town, January 13, 1777.

Sir: I am directed by Congress, to propose an Exchange of five¹ of the Hessian Field Officers taken at Trenton, for Major General Lee; or if this proposal should not be acceded to, to demand his Liberty upon Parole, within certain bounds, as has even been granted to your Officers in our Custody. I am inform'd from good Authority, that your reasons for keeping him hitherto in stricter confinement than usual, is, that you do not look upon him in the light of a Common Prisoner of War, but as a deserter from the British Service, as his Resignation was not accepted of, and that you intend to try him by a Court Martial as such. I will not undertake to determine how far this doctrine may be justifiable among yourselves, but I must give you warning that Major General Lee is looked upon as an Officer belonging to, and under the protection of, the United Independant States of America, and that any violence which you may Commit upon his Life or Liberty will be severely retaliated upon the Lives or Liberties of the British Officers, or those of their Foreign Allies at present in our hands.²

I am sorry that I am again under the necessity of remonstrating to you upon the Treatment which our prisoners continue to receive in New York. Those, who

1. The resolve of Congress (January 6) ordered that six Hessian field officers be offered for General Lee.

2. Sparks notes that the statement in regard to the character in which the British commander held General Lee is confirmed by his correspondence with the minister. He wrote to Lord George Germain (December 20): "General Lee, being considered in the light of a deserter, is kept a close prisoner; but I do not bring him to trial, as a doubt has arisen, whether, by a public resignation of his half-pay, prior to his entry into the rebel army, he is still amenable to the military law as a deserter; upon which point I shall wait for information; and if the decision should be for trial on this ground beg to have the judges' opinion to lay before the court. Deserters are excluded in my agreement

with the enemy for exchange of prisoners." To this the minister replied: "As you have difficulties about bringing General Lee to trial in America, it is his Majesty's pleasure, that you send him to Great Britain by the first ship of war."

Sir William Howe wrote (July 8) in answer to this order: "Washington declines to exchange the Hessian field-officers, taken at Trenton, or Lieutenant-Colonel Campbell, unless Lee is recognised as a prisoner of war. Lee is therefore detained for further instructions, being apprehensive, that the close confinement of the Hessian officers would be the consequence of sending Lee to Britain, and that this would occasion much discontent among the foreign troops." This measure of caution was approved, and the minister replied (September 3): "His Majesty consents that Lee (having been struck off the half-pay list) shall, though deserving the most exemplary punishment, be deemed as a prisoner of war, and may be exchanged as such, when you may think proper."

have lately been sent out, give the most shocking Accounts of their barbarous usage, which their Miserable, emaciated Countenances confirm. How very different was their Appearance from that of your Soldiers, who have lately been returned to you, after a Captivity of twelve Months; And, whether this difference in Appearance was owing to a difference of treatment, I leave it to you, or any impartial person to determine. I would beg that some certain Rule of Conduct towards Prisoners may be settled; if you are determined to make Captivity as distressing as possible, to those whose Lot it is to fall into it, let me know it, that we may be upon equal terms, for your Conduct must and shall mark mine.³

If a real scarcity of the Articles of Provision and fuel, at this inclement Season, is the Cause that our prisoners are debarred them, common humanity points out a mode; which is, of suffering them to go home under parole, not to serve during the War, or until an equal number are released by us for them.

Most of the Prisoners who have returned home, have informed me, that they were offered better treatment provided they would Inlist into your Service. This, I believe, is unprecedented; and what, if true, makes it still more unnecessary for me to apologize for the freedom of expression, which I have used throughout this Letter. But it would be criminal in me to be Silent, were such abuses, when made known to me, left unrepresented by me. I am etc.⁴

3. Ford quotes from a letter from Col. John Chester to Col. Samuel B. Webb (January 17): "The inhuman treatment our prisoners met with while in New York is beyond all description. Humanity cannot but drop a tear at sight of the poor, miserable, starved objects. They are mere skeletons, unable to creep or speak in many instances. One vessel lost 27 in her passage from New York to

Medford, and 7 died the night they were put ashore; and they are dying all along the roads. Most who have got home in the neighboring towns, are taken with the small pox, which undoubtedly was given them by design—all this does not seem to discourage the few surviving ones. They pray that God would only give them health and strength again, and they are determined to have sweet revenge.”

4. The draft is in the writing of Tench Tilghman.

To JOSHUA LORING¹⁴

Head Quarters, January 14, 1777.

Sir: As there is a Ballance of Prisoners still due to us, I must beg the favor of you, to give the preference to such Officers as have been heretofore demanded by me, in my Letters to Genl. Howe, and the request not complied with. You may always in future, as we send in Prisoners, return those of equal Rank who have been longest in Captivity, giving a due proportion of Eastern and Southern Officers, except I call for any particular Person. I expect that Rank will be allowed to the French Officers taken at St. Johns last year, and an equal Number of ours returned for them, they themselves claim it, and those that still remain among us, made a demand a few days ago, of being sent in agreeable to the Terms of our Cartel.

I desire that Lt. Colo. Rawlings¹⁵ and Major Williams¹⁶ may be sent out whenever any Officer of equal Rank is sent in. I am &ca.¹⁷

To SIR WILLIAM HOWE

Head Quarters, Morris Town, January 20, 1777.

Sir: I take the Liberty to propose the Establishment

14. British commissary general of prisoners.

15. Col. Moses Rawlings, formerly lieutenant colonel of Stephenson's rifle regiment. He had been appointed colonel of one of the 16 Additional Continental regiments on January 12.

16. Maj. Otho Holland Williams, of Stephenson's regiment. He was exchanged with Rawlings on January 16. Both Colonel Rawlings and Major Williams had been wounded and captured at Fort Washington, N.Y.

17. The draft is in the writing of Tench Tilghman.

of an Officer to reside in New York, under parole to transmit no Intelligence but what belongs to his Office; whose Business it shall be, to provide Necessaries for such Prisoners as fall into your Hands. Perhaps the Establishment of such an Officer with proper Credits, may put a stop to the many Complaints which I am daily under the necessity of hearing; some probably without foundation, and others arising from the want of many things which you are not obliged to furnish the Prisoners.

The Gentleman I would beg leave to recommend as a proper Agent is Mr. Lewis Pintard, the bearer, a person well known in New York, and of long established Reputation as a considerable Merchant.⁷⁸ The Council of Safety of Pennsylvania have desired Liberty, when the Weather permits, of sending a Vessel, under a Flag, with a Supply of Meat and Flour for our Prisoners in New York. I shall be glad to be favoured with your Answer, and am, etc.⁷⁹

To JOSHUA LORING

Head Quarters, Morris Town, January 20, 1777.

Sir: I have just received Advice from Governor

78. In accordance with a resolve of Congress (January 16) which left the choice of the agent to Washington.

79. The draft is in the writing of George Johnston.

Trumbull of Connecticut, that he has sent in, all the British Prisoners from that State, to Rhode Island. He has not yet furnished me with a Return, but I imagine he has sent one to you by the eldest Officer. I am informed that Capt. Amos Fellows of Col: Chapman's Regt.,⁸⁰ who was taken Prisoner the 15th. Septr. last, has been confined upon suspicion of being concerned in the Fire which happened at New York a few days after. As I have every Reason to believe that Capt. Fellows is intirely innocent of the Crime laid to his charge, I hope you will procure his Liberty, and to make

him some compensation for his sufferings, I desire he may be released among the first that are exchanged. I am &c.⁸¹

To JOSHUA LORING

Head Quarters, Morris Town, February 1, 1777.

Sir: Since I wrote to you on the 20th. of last Month, I have reed. a return of the Officers and Privates sent from Connecticut by Governor Trumbull, a Copy you have inclosed. I desire that Capt. Dearborn who was taken at Quebec on the 31st. Decemr. 1775, and whose Parole has not

80. Col. Samuel Chapman's Connecticut Militia regiment.

81. The draft is in the writing of Tench Tilghman.

yet been sent out, may have it done by the first Opportunity, in the room of one of the Captains and that Captains Trowbridge and Percival of the 17th. Continental Regiment taken upon Long Island upon the 27 August may be exchanged for the other. As Brigade Major Wyllis, who will deliver you this, was permitted to go out of New York upon his parole, either to return or send in a Captain, I would have requested that one of the three Captains sent in by Govr. Trumbull might have been exchanged for him, could I have done it without doing injustice to Captains Dearborn, Trowbridge or Percival, who have been longer in Captivity. But if there is a Captain, as I think there is, sent in by us, and not yet accounted for, I desire that Major Wyllis may be exchanged for him. There are yet the Paroles of Eight of the Officers besides Capt. Dearborn, who were taken at Quebec, which have never been sent out. I wish to have them among the first. I observe that none of the Maryland Officers who were taken upon Long Island, have ever been released, and that the Pensylvanians have had more than their proportion, I therefore desire that in future the Officers from the Eastern States, and those from Jersey, York and Maryland may have a due preference. I am &ca.⁶⁰

To JOSHUA LORING

Head Quarters, Morris Town, February 6, 1777.

Sir: This will be delivered to you by Major

60. The draft is in the writing of Tench Tilghman.

Edmonston,¹³ who was sent down by General Schuyler to go into New York upon parole, to return, or send out an Officer of equal Rank.

If Major Williams¹⁴ of Col. Rawlings Battalion has not been already sent out, I desire he may be the Officer sent in Exchange. If he should have been sent out, I shall be glad that either Major Brown¹⁵ or Major Wells¹⁶ of Connecticut may be released. I am &ca.¹⁷

To CHARLES, EARL CORNWALLIS

Head Quarters, Moris Town, February 12, 1777.

My Lord: General Howe,⁶⁰ by a Letter of the 23d. Ulto., which came to hand a few days ago, having proposed a conference on the future mode to be observed for the exchange of Prisoners, their subsistence, &ca., and appointed Lieut. Colonel Walcot⁶¹ to negotiate respecting the same; I beg leave to acquaint your Lordship, that Lieut: Col: Harrison will meet Lieut: Col: Walcot on Monday the 17th. instant at 12 O'clock, at the House of the Widow Fields about 4 Miles from Brunswick, on the Road leading to Bound Brook, to receive his Propositions and treat upon this Business, if it is agreeable to your Lordship, of

13. Maj. Charles(?) Edmonstone, of the Eighteenth Foot, British Army.

14. Maj. Otho Holland Williams, of Stephenson's rifle battalion. He had been appointed colonel of the Sixth Maryland Regiment Nov. 16, 1776. Col. Moses Rawlings's Additional Continental regiment was never fully organized, and Williams, later, became colonel of the First Maryland Regiment and brigadier general, Continental Army, in 1782.

15. Maj. Thomas(?) Brown, of Douglas's Connecticut State regiment.

16. Maj. Levi Wells, of the Twenty-second Continental Infantry.

17. The draft is in the writing of Tench Tilghman.

60. Lieut. Gen. Sir William Howe. His letter (January 23) is in the *Washington Papers*.

61. Lieut. Col. William Walcott, of the Fifth Foot, British Army.

which you will be pleased to advise me, by the return of the Flag. The Trouble I give your Lordship upon this Subject, is at the instance of General Howe, by whose desire this Letter is addressed to you. I have the Honor etc.⁶²

To LIEUTENANT COLONEL ARCHIBALD CAMPBELL

Morris Town, March 1, 1777.

Sir: Last night received the favor of your Letter of the 4th. instant, and am much Obliged by the Opinion you are pleased to entertain of me.

I am not invested with the Powers you suppose; and it is as incompatible with my authority as my inclination to contravene any determinations Congress may make. But as it does not appear to me, that your present Treatment is required by any resolution of theirs, but is the result of misconception, I have written my opinion of the matter to Col: Bowdoin,⁹² which I imagine will procure a mitigation of what you now suffer. I have also requested that inquiry be made into the case of Capt: Walker and proper steps taken to remove all just cause of Complaint concerning him.

62. The draft is in the writing of Robert Hanson Harrison.

92. James Bowdoin. He was president of the Massachusetts Council. (See Washington's letter to the Council of Massachusetts, Feb. 28, 1777, *ante*.)

I shall always be happy to manifest my disinclination to any undue severities towards those whom the fortune of War may chance to throw into my Hands. I am &ca.⁹³

To SIR WILLIAM HOWE

Head Quarters, Morris Town, March 3, 1777.

Sir: On the 1st. instant, I received the favor of your Letter of the 27th. Ultio. I had heard the day before of Lieutenant Col. Campbell's confinement and wrote him and the President of the Council of the Massachusetts State respecting it, and I trust his situation will be made more agreeable, it being my wish, that every reasonable indulgence and act of Humanity should be done to those whom the fortune of War has or may put into our hands.

Lieut: Col: Harrison will meet Lieut. Col: Walcot on Monday the 10th. instant, at 12 O'Clock, at the place of their former interview, when he will be vested with powers to negotiate the Business proposed. I am &ca.²⁵

93. The draft is in the writing of Alexander Hamilton.

25. The draft is in the writing of Robert Hanson Harrison.

To JOSHUA LORING

Head Quarters, Morris Town, March 13, 1777.

Sir: Inclosed you have a List of seventeen French Gentlemen taken at St. Johns and six Servants. I always understood that these Gentlemen bore Commissions in the British Service, but by their own return, of which the inclosed is a Copy, only four of them appear to be Officers. If any more are so, I trust to your honor, to send out an equal Number of ours of equal Rank.

Since I last heard from you, I have sent in several of your Officers, Major Edmonston in particular, who signed a parole to return in Fifteen days, or send out one of equal rank. as the Time has long since expired, I imagine you have set him off against some of our Officers released upon parole. That may be the case with the others. If so, please to let me know, who the Officers are, that I may advise them of their release. All the Officers taken at Princeton, except those wounded and not able yet to move, are sent in. I desire in making the Exchanges, you will have regard to my former Directions, of giving a preference to those who have been longest in Captivity, as well as a proportion of the Officers of the different States. I am &ca.⁴

4. The draft is in the writing of Tench Tilghman. The inclosures are not found in the *Washington Papers*.

To SIR WILLIAM HOWE

Morris Town, April 9, 1777.

Sir: I take the Liberty of transmitting you a Copy of a paper, addressed to me by Lieut: Col: Walcot of your Army, which came inclosed in a Letter from Lieut: General Lord Cornwallis.⁷⁸ It is with peculiar regret, I am constrained to observe, that this illiberal performance of Col: Walcott, is obviously calculated, to answer a less generous purpose than that of merely effecting an exchange, contains a gross misrepresentation of Facts, and is a palpable deviation from that delicate line, which I expected would mark his conduct, as a Man of Candor and ingenuity.

That Gentleman has censured two Articles insisted on by me thro' Lieut: Colo: Harrison, at their meeting on the 10th. Ult., " as groundless, unprecedented and inconsistent with any degree of reason or common sense," tho'founded, as I conceive, in the clearest principles of Equity and justice. Not contenting himself with this, which would have given me no concern, he has assumed the privilege of mutilating and mistating those Articles in such a manner, as to change their meaning, and to adapt them to the unfair conclusions he wished to establish.

Having premised these things, and

78. Lieut. Col. William Walcott's paper (April 2) was a demand for fulfilling previous agreements for an exchange of prisoners. The original is in the *Washington Papers*. A copy was transmitted to Congress by Washington in his letter of April 10, *q. v.*, and Congress resolved (April 11) that both be published.

being charged in direct and positive Terms by Col: Walcot who acted under your Authority, with a violation of the Agreement made between us for the exchange of Prisoners, and called upon for a performance of the same, I think it necessary, to explain the Motives of my conduct, and the grounds on which those Articles or Objections stand.

In respect to the first, I freely repeat, that I do not hold myself bound, either by the Spirit of the Agreement or by the principles of Justice, to account for those Prisoners, who from the rigor and severity of their Treatment, were in so emaciated and languishing a State at the time they came out, as to render their death almost certain and inevitable; and which, in many instances, happened while they were returning to their Homes; and, in many others, immediately after their arrival.

You must be sensible, that our engagement, as well as all others of the kind, tho' in Letter it expresses only an equality of rank and number, as the rule of Exchange, yet it necessarily implies a regard to the general principles of Mutual compensation and advantage. This is inherent in its nature, is the voice of reason, and no stipulation, as to the Condition in which Prisoners should be returned, was requisite. Humanity dictated that their treatment should be such, as their health and comfort demanded; and where her Laws have been duly respected, their condition has been generally good. Nor is this the Language of Humanity alone, justice declares the same. The object of every Cartel

or similar agreement, is the benefit of the Prisoners themselves and that of the contending powers. on this footing it equally exacts, that they should be well treated, as that they should be exchanged. The reverse is, therefore, an evident infraction, and ought to subject the party, on whom it is chargeable, to all the damage and ill consequences resulting from it. Nor can it be expected, that those unfitted for future service, by Acts of severity, in direct violation of a Compact, are proper subjects for an Exchange. In such case, to return others not in the same predicament, would be to give without receiving an Equivalent; and would afford the greatest encouragement to cruelty and inhumanity. The Argument drawn from the mere circumstance of the Prisoners having been received, is of no validity. Tho' from their wretched situation they could not at that time be deemed proper for an Exchange, our Humanity required, that they should be permitted to return among us.

It may, perhaps, be fairly doubted, whether an Apprehension of their death, or that of a great part of them, did not contribute somewhat to their being sent out when they were. Such an event, whilst they remained with you, would have been truly interesting; because it would have destroyed every shadow of claim for a return of the Prisoners in our hands; and, therefore, [matters were prudently arranged, that it should not happen] policy, concurring with Humanity, dictated that the measure should be adopted.

Happy had it been, if the Expedient had been thought of, before these ill fated Men were reduced to such extremity. It is confessed, however, on all sides, that after their delivery they still continued your prisoners and would be so, 'till regularly exchanged.

I acknowledge that I should, and I have been always willing, notwithstanding this concession, to account for every man who was in a proper condition and fit to be exchanged at the Time they came out, so far as the proportion of Prisoners with us would extend. With what propriety, or upon what foundation of Justice, can more be demanded? This has been proposed, or what is the same, was most clearly implied in the first Article or Objection made by Lieut: Colo: Harrison, and illiberally rejected since, "as inconsistent with any degree of reason or common sense." Painful as it is, I am compelled to consider it, as a fact not to be questioned, that the usage of our Prisoners whilst

in your possession, the Privates at least, was such as could not be justified. This was proclaimed by the concurrent Testimony of all who came out, their appearance sanctified the Assertion; and melancholly Experience, in the speedy death of a large part of them, stamped it with infallible certainty.

In respect to the second Article insisted on, Your discriminating Major General Lee from other Captive Officers belonging to the American Army, demanded my particular attention. I was authorized to conclude, from your laying him under peculiar restraints, and from your

Letter of the 23d. of January last, that you considered him in a singular point of view, and meant to exclude him from the common right of exchange, stipulated for all Officers in general Terms. This distinction, the more injurious and unwarrantable, as you never excepted him, tho' you knew him to be an Officer in our Army, at the Time and long before the Agreement was entered into, made it my duty to assert his right in an explicit manner, and to endeavour to put the matter upon so unequivocal a footing as to insure his enlargement, whenever an Officer of equal rank belonging to your Army, should be in our power. This was attempted by the Article, and nothing more; nor is any other inference to be drawn from it. It is true, a proposition was made since his Captivity, to give a certain number of Officers of Inferior rank in exchange for him; but it was not claimed as a matter of right. What name, then, does that proceeding merit, by which it is suggested, that the immediate release of General Lee had been demanded without having an Officer of equal rank to give for him? The suggestion cannot be supported by the most tortured exposition, nor will it have credit where candor is deemed a virtue, and Words preserve their form and meaning.

As to the charge of delay in not returning the Prisoners in our hands; the dispersed situation of those, taken at a more early period of the War, thro' the different

States, arising from the circumstances of their captivity and a regard to their better accomodation, made their detention for a considerable time unavoidable. When the Agreement subsisting between us took place, the speediest directions were given to have them collected, that an Exchange might be effected. This was done in part, and at a juncture when Motives of Policy opposed the Measure, but were made to yield to the rigid maxims of good Faith. [Happily we found an Equivalent, as far as their number went, in those returned from Canada, and who had experienced the humanity of Genl. Carleton]. We were pursuing the exchange and continued our exertions to accomplish it, till the miserable Appearance, indicating an Approaching Catastrophe, of those sent out by you, made it improper. Foreseeing that a difficulty might arise, and that It might be expected, I should account for the whole of them, which I by no means thought equitable, it became necessary that the matter should be adjusted, and the due proportion settled for which I ought to be responsible, before any

thing further could be done on my part. Upon this Ground stands also the detention of those, who have been since captured.

Added to these considerations, the discrimination set up, in the instance of General Lee, is to be regarded, as utterly irreconcilable to the tenor of our Agreement, and an insurmountable obstacle to a compliance

with your demands.

Thus, Sir, have I explained the motives of my conduct, and, I trust, vindicated myself in the Eye of Impartially, from the improper and groundless charge which you and the Gentleman acting by your Authority, have been pleased to alledge against me. If, in doing this, I have departed in the smallest degree from that delicacy, which I always wished should form a part of my Character, you will remember, I have been forced into recrimination and that it has become an act of necessary Justice.

I shall now declare it to be my ardent wish, that a General exchange may take place, on generous and liberal principles, as far as it can be effected, and that the Agreement subsisting between us for that purpose should be inviolably observed: And I call upon you by every Obligation of good Faith, to remove all impediments on your part, to the accomplishment of it. If, however, you do not, I console myself with a hope that those unfortunate Men, whose lot it is to be your prisoners, will bear their sufferings with becoming fortitude and magnanimity I am etc.⁷⁹

79. The draft is in the writing of Robert Hanson Harrison. The words within brackets are in the draft, but were omitted in the letter sent.

To JOSHUA LORING

Morris Town, April 30, 1777.

Sir: I beg leave to refer you to a Letter from Elias Boudinot Esquire which accompanies this, for an Answer to your two favors of the 24th. Ult. and 8th. instant. That Gentln. is appointed to the Office of Commissary of Prisoners in the Army of the American States, and I am to request, that whatever business you may have to negotiate in that line, may be transacted with him in future. I am etc.⁷²

To LIEUTENANT GENERAL LEOPOLD PHILLIP VON HEISTER⁹⁷

Morris Town, May 13, 1777.

Sir: I was honored with your favor of the 8th. instt. by Capt. O'Riley⁹⁸ of the Hessian Corps.

Altho' the receipt and distribution of Money and other necessaries, intended for Prisoners, properly falls within the Commissary's department (who shall strictly attend to all directions that come with them) and must in future

72. The draft is in the writing of Robert Hanson Harrison.

97. Commander in chief of the Hessian troops in America.

98. Capt. von Oreilly, of the Lengercke Grenadiers, German allied troops, British Army.

pass through his hands; Yet I will not in this instance refuse permission to Lieutt. Miller⁹⁹ to go with the desired Transport, accompanied by one of my Officers: For which purpose a Passport is inclosed. Lt. Miller will call upon General Lincoln at Bound Brook, who has my Orders to furnish the Escort.

I would extend this Indulgence to some of your non-commissioned Officers, did circumstances justify it.

Count Donop's¹ verbal message by Captn. O'Riley gave me much uneasiness, as it must be founded on the supposition, that an Application of a similar nature, had already met a refusal. I enjoy too much pleasure in softening the Hardships of Captivity, to with-hold any comfort from Prisoners; and beg you to do me the Justice to conclude, that no Requisition of this Nature, that should be made, will ever be denied.

I am highly honored by your good Opinion of me, and hope that no part of my future Conduct will give you cause to change it. I have the Honor etc.²

99. Lieutenant Miller was a paymaster.

1. Col. Carl Emil Kurt, Count von Donop, of Hessian Yagers.

2. The draft is in the writing of George Johnston.

To CHARLES, EARL CORNWALLIS

Camp at Middle Brook, June 2, 1777.

My Lord: It is with infinite regret, I am again compelled to remonstrate against that Spirit of Wanton cruelty, that has in several instances influenced the conduct of your soldiery. A recent exercise of it towards an unhappy officer of ours, Lieutenant Martin,⁵⁶ convinces me, that my former representations on that subject, have been unavailing. That Gentleman by the fortune of war on Saturday last was thrown into the hands of a party of your horse and unnecessarily murdered with the most aggravated circumstances of barbarity. I wish not to wound your lordship's feelings by commenting on this event, but I think it my duty to send his mangled body to your lines, as an undeniable testimony of the fact should it be doubted, and as the best appeal to your humanity for the justice of our complaint.⁵⁷ I have the Honor to be etc.⁵⁸

To CHARLES, EARL CORNWALLIS

Middle Brook, June 6, 1777.

My Lord: I received the favour of your Lordship's letter of

56. Lieut. William Martin, of Spencer's Additional Continental regiment.

57. Cornwallis answered this the same day, claiming that Martin had been killed with sabers by Hessians, after refusing to surrender. That the Hessians were not brutal was proven, Cornwallis wrote, by the fact that they brought in six prisoners from this affray, only one of which was wounded.

58. The draft is in the writing of Alexander Hamilton. The original letter sent, also in Hamilton's writing, is in the possession (1931) of Dr. A. S. W. Rosenbach, who kindly furnished a photostat for comparison.

this day. I am sorry, I cannot with propriety comply with Lieut: Col: Sterling's³ request; but as I wish not to obstruct any supplies, you may think proper to send for the comfort and accommodation of your prisoners with us, I am to assure you, that the greatest care will be taken to forward and deliver,

whatever money or necessaries may be transmitted for the purpose; and vouchers of its being done will be returned for the satisfaction of the Gentlemen from whom they come. Lieut Col: Sterling can send those Articles by a Flag addressed to Elias Boudinot Esquire Commissary for Prisoners, with proper directions for the distribution of them, and they will not, fail to be observed. Every matter of a similar nature is to pass through his hands, and to be transacted by him, as was signified in a late letter of mine to Lieut: Genl. De Heister, to point out the proper Channel of conveyance in these cases.

I cannot forbear taking this occasion to remark, that it appears to me not a little singular, to find a gallant discharge of duty in an Officer assigned as a reason for exercising the greatest barbarity towards him. I confess I should imagine the Eye of Generosity, would rather view it as a Motive for applause and tenderness. I am, &c.⁴

3. Lieut. Col. Thomas Sterling, of the Forty-second Foot, British Army.

4. The draft is in the writing of Alexander Hamilton.

To SIR WILLIAM HOWE

Middle Brook, June 10, 1777.

Sir: Your several Letters, of the 21st. of April, 22d of May, and 5th instant, have been received.

Having stated my sentiments in an explicit manner, in my Letter of the 9th. of April, upon the Subject of your demand and the disagreement between us, I thought it unnecessary to trouble you with a repetition of them. From the complexion of yours of the 21st. of April, we appeared to differ so widely, that I could entertain no hopes of a compromise being effected, or that an Answer would produce any good end.

But as you have called upon me again for my final determination upon the Matter, I shall freely give it, after making some Observations upon what you have said, with intention, to obviate the Objections on my part, to a compliance with your demand thro' Lieut. Colonel Walcot.

You admit the principle, upon which my Objection to account for the whole Number of Prisoners sent out by you, is founded, but deny the application, by delicately insinuating in the first instance, that the ill treatment complained of, was "an expedient to cherish popular delusion"; And by

asserting in the second, "that supposing their sufferings to have been real, they were to be ascribed to other causes

than those assigned by me."

I shall not undertake to determine on whom the charge of endeavouring to excite popular delusion falls with most propriety; but I cannot forbear intimating that however successful, ingenuous miscolourings may be in some instances, to perplex the Understanding in matters of speculation, Yet, it is difficult to persuade Mankind, to doubt the Evidence of their Senses, and the reality of those facts for which they can appeal to them. Unless this can be done, permit me to assure you, it will always be beleived, whatever may be suggested to the contrary, that Men could not be in a more deplorable situation, than those unhappy sufferers were, who are the Subject of our difference. Did I imagine that you, Sir, had any serious scruples on the Occasion, I might produce, in support of what I have alledged, the strongest proofs that Human Testimony can afford.

To prove that the Prisoners did not suffer from any ill treatment or neglect of yours, you say "they were confined in the most airy Buildings and on Board the largest Transports in the Fleet. That they were supplied with the same provisions both in Quantity and Quality as were allowed to your Troops not on service. That the sick, such of them, as required peculiar care, were received into the British Hospitals and the rest attended by their own Surgeons, who were supplied with Medicines without restriction, 'till it

was discovered that they disposed of large Quantities by private Sale."

That airy Buildings were chosen to confine our Men in, is a fact I shall not dispute. But whether this was an Advantage or not in the Winter Season, I leave you to decide. I am inclined to think it was not; especially, as there was a general Complaint, that they were destitute of fire the greater part of the time, and were only prevented from feeling the inclemency of the Weather, in its extremest rigor, by their crowded situation. This I must believe was not very conducive to their health; and, if we may judge by comparison, we must conclude, they endured similar inconveniences on board the Transports.

As to the supplies of Provision, I know not what they were. My Ideas of the matter were drawn from their United Testimony, confirmed by their appearance, which represented the allowance as insufficient in Quantity, bad in Quality, and irregularly served. You yourself mention some "accidental instances of Omission." I apprehend they were much more frequent, than you were apprized of.

It may not be improper to observe, that there is a material difference between persons confined and deprived of every means of subsistence, in aid of their allowance, and those who are at large and have other resources, as is the case with your Troops not on service, who have the benefit of their pay and what they can occasionally gain by their Labour.

You might also find from inquiry, that we made no distinction in our supplies, between your Soldiers Prisoners with us and our own in the field. They were not stinted to a scanty pittance, but had full as much, as they could use, and of the best kind.

In respect to the attention paid to the Sick, I am sorry, their accomodation was injured in any degree by the misconduct of the Surgeons. I heartily join with you in reprobating their proceedings, and shall esteem it a favor if you will point out the Persons, and furnish me with such proofs of their guilt, as you may be possessed of.

The more effectually to exonerate yourself from the consequences imputed to the neglect, or ill treatment of the Prisoners, you assert, they had every comfort and assistance from you, that your situation would admit; And that they wanted nothing but Money and Clothing, which ought to have been furnished by me.

Had we left your Prisoners with us, to depend entirely upon the supplies they drew immediately from you, their condition would have been little better than that of Ours in your hands. Your Officers and Soldiers can both inform you, that they experienced every mark of Public and Private generosity that could be shewn them. Frequent instances might be adduced, that on Notice of your Men being in want, orders were immediately given

that necessaries should be procured for them. Every thing was done on our part to facilitate any steps you took for the same end.

You were permitted to have an Agent amongst us, countenanced by Public Authority, and allowed every latitude he could wish to enable him to execute his Office. I am sorry to say, the same conduct has not been observed towards us, and that there are instances to shew, that far from endeavouring to remove the difficulties that necessarily lay in our way, to making such ample Supplies as we could wish, Obstacles have been made that might very well have been waved.

A late instance of this is to be found, in your refusing to let us have a procuring Agent with you, who might purchase what was necessary to supply the wants of our Men. You must be sensible, that for want of a regular mode being adjusted for mutually conveying supplies, there was a necessity for an exercise of generosity on both sides. This was done by us and we expected would have been done by

you, which made us less anxious in providing than we should have been, had we foreseen what has really happened. We ascribed every deficiency on your part to the indeterminate situation of Affairs in this respect; and looking forward to a more provident arrangement of the Matter, we thought it our duty, not to let the Prisoners with us be destitute of any thing requisite for their preservation, and imagined that your reasonings and feelings would have been the same.

Your saying we were frequently advised of their distress, is of little avail. It was not done till it was too late to remedy the ill consequences of the past neglect, and 'till our Prisoners were already reduced to a miserable extremity. I wish their sufferings may not have been increased in the Article of clothing, by their being deprived of what they had thro' the rapacity of too many of their Captors: Reports of this kind have not been wanting.

You further observe, that my own experience would suggest, whether our Army in the course of the last Campaign was not subject to the same Calamitous Mortality, with the Prisoners in your Possession. I cannot but confess, that there was a great degree of sickness among us; but I can assure you, that the Mortality bore no kind of resemblance to that which was experienced by the Prisoners with you, and that the disorders in the Camp had nearly ceased, before the Captivity of a large proportion of them. The Garrison that fell into your hands, on the 16th. of November, was found, I am convinced, in perfect health.

In reply to my intimation, that it would have been happy, if the Expedient of sending out our Men, had been earlier thought of, You are pleased to say, "that the Event has proved the caution with which you ought to have adopted the measure." What inference can be drawn from my refusing to account for Prisoners,

scarcely alive, and by no means in an exchangeable condition to Warrant an insinuation, that I should have done the same, had they been released under different circumstances, let your own candor determine.

But then you ask "How is the Cause of debility in Prisoners to be ascertained?" This seems to be considered as a perplexing Question. For my part, I cannot view it as involving any great difficulty. There is no more familiar mode of reasoning, than from Effects to causes, even in matters of the most interesting importance. In the Subject before us, the appearance of the Prisoners and what eventually happened, proved that they had been hardly dealt with; but their joint assertions, aided by the information of others not interested in the distress, more than as they regarded the rights of Humanity, established the fact too firmly for Incredulity itself to doubt it.

I should hardly believe you to be serious, in your application of the exception to which you allude, to the case of Major General Lee, if you had not persisted in a discrimination respecting him. I did not entertain the most distant Idea, that he could have been supposed to come under the description contained in it; and to force such a construction upon that Gentleman's circumstances, however it may be an Evidence of ingenuity, is but an indifferent specimen of Candor. I still adhere to what I

have already advanced on this Head, I can by no means think of departing from it.

I am now to give you my final decision on the subject of your demands. In doing this, I can little more than repeat, what I have already said. I am extreemly desirous of a general exchange, on liberal and impartial principles; and it is with great concern, I find, that a matter so mutually interesting, is impeded by unnecessary Obstacles. But, I cannot consent to its taking place, on terms so disadvantageous as those you propose, and which appear to me so contrary to justice and the Spirit of our Agreement.

I think it proper to declare, that I wish the difference between us to be adjusted, on a generous and equitable plan, and mean not to avail myself of the releasement of the Prisoners, to extort any thing from you not compatible with the strictest justice. Let a reasonable proportion of Prisoners to be accounted for, be settled, and General Lee declared exchangeable, when we shall have an Officer of yours of equal rank in our possession. I ask no more. These being done, I shall be happy to proceed to a General Exchange²⁴ But, in the mean time, I am willing that a partial one should take place for the Prisoners now in your hands, as far as those in ours will extend, except with respect to Lieut. Col. Campbell and the Hessian Field Officers, who will be detained till you recognize General

24. Washington's letter (June 8) regarding the exchange of prisoners drew from Congress the resolve of June 10, which was forwarded to the Commander in Chief in Hancock's letter of June 13:

"Resolved, That General Washington be directed to inform General Howe, that this Congress most sincerely laments the necessity to which they are driven by the cruel policy of their enemies, of entering into any resolutions which have any appearance of severity towards those prisoners of war who have fallen or may fall into our hands; but that there are no other means in our power of inducing our enemies to respect the rights of humanity; that with this view only, it is their determined resolution to carry into execution the law of retaliation; that if any persons belonging to or employed in the service of the United States, or any of them who now are, or hereafter may be, prisoners to Lord or General Howe, or any other commander of his Britannic Majesty's forces by sea or land, shall be sent to the realm of Great Britain, or any part of the dominions of the said king of Great Britain, to be there confined to common gaols, or any other place or places of confinement,

in pursuance of any act or acts of the British parliament, or any other pretence whatever; it is the resolution of this Congress, to treat the prisoners now in our lower, and such as hereinafter may fall into our hands, in a manner as nearly similar as our circumstances will admit."

Lee a Prisoner of War and place him on the footing I claim²⁵ This latter proposition, I am induced to make, from the distinction which your Letter of the 22d. of May seems to hold forth; and I think it necessary to add, that your conduct towards Prisoners will govern mine.

The situation of Lt. Col. Campbell, as represented by you, is such as I neither wished nor approve. Upon the first intimation of his Complaints, I wrote upon the subject, and hoped there would have been no further cause of Uneasiness. That Gentleman, I am persuaded, will do me the justice to say, he has received no ill treatment at my instance. Unnecessary severity and every species of insult, I despise, and I trust none will ever have just reason to censure me in this respect. I have written again, on your remonstrance, and have no doubt, such a line of Conduct will be adopted, as will be consistent with the dictates of Humanity and agreeable to both his and your Wishes. I am etc.²⁶

To SIR WILLIAM HOWE

New Jersey, July 16, 1777.

Sir: The fortune of War having thrown Major General

25. On the receipt of a letter from General Lee to Robert Morris, informing that Sir William Howe treated Lee with kindness and generosity, Congress resolved (June 2) that a letter be written to the council of Massachusetts and the Governor and council of Virginia requesting the former to treat Colonel Campbell, and the latter the five Hessian officers, with kindness, generosity, and tenderness, consistent with the safe custody of their person.

26. The draft is in the writing of Robert Hanson Harrison.

Prescot into our hands, I beg leave to propose his Exchange for that of Major General Lee. This proposition being agreeable to the Letter and Spirit of the Agreement subsisting between us, will, I hope, have your approbation. I am the more induced to expect it, as it will not only remove one ground of Controversy between us; but in its consequences, effect the Exchange of Lieut. Colo. Campbell and the Hessian Field Officers, for a like number of ours of equal rank in your possession.

I shall be Obligated by your Answer upon the subject; assuring you, that Major General Prescott shall be sent in, if the proposed Exchange is acceded to, either on the previous releasement of General Lee, or your promise that the same shall immediately take place on General Prescott's return. I have the Honor &ca.⁵³

To WILLIAM FRANKLIN

Head Quarters, Ramapough, July 25, 1777.

Sir: I have this Moment received your letter of the 22d. instant, by express.

I heartily sympathize with you in your distressing situation; but however strong my inclination to

53. The draft is in the writing of Robert Hanson Harrison.

comply with your request, it is by no Means in my Power to supersede a positive resolution of Congress, under which your present confinement took place. I have inclosed your Letter to them, and shall be happy it may be found consistent with propriety to concur with your wishes in a matter of so delicate and interesting a Nature. I sincerely hope a speedy restoration of Mrs. Franklin's health may relieve you from the anxiety you must naturally feel from her present declining condition. I am etc.²⁵

To WILLIAM FRANKLIN

Coryells Ferry, July 29, 1777.

Sir: Agreeable to what I wrote you a few days ago, I transmitted your Letter to me, to Congress.

Inclosed you have their answer by a Resolve of the 28th. with Copy of the Certificate which was granted by you to Robert Betts while upon your parole. It appears that this Act has laid Congress under the necessity of refusing your request. I am &ca.⁵¹

25. The draft is in the writing of Alexander Hamilton.

51. The draft is in the writing of Tench Tilghman. As dictated by Washington the last sentence was at first "I am sorry that an act of your own, so contrary to the tie of Honor under which you stood engaged has laid Congress," etc., but evidently Washington's sympathy softened the refusal. A note upon a copy of Washington's letter to Congress (July 25) concerning Franklin in the British Museum bears an annotation that Congress refused the request and Mrs. Franklin died.

To SIR WILLIAM HOWE

Head Quarters, September 5, 1777.

Sir: I did myself the Honor to write you on the 16th. of July upon the subject of an Exchange of Major General Prescott for Major General Lee.

As I can only attribute your Silence upon a Matter so personally interesting to both those Gentlemen to your not having received my former Letter, I am induced to transmit you a duplicate of it, to which I beg leave to request an Answer. I have the Honor etc.⁷⁰

To SIR WILLIAM HOWE

Head Quarters of the Army, September 13, 1777.

Sir: I was this Evening honored with your Letter of the 12th. The attention, which, you are pleased to assure me, has been paid to the Officers and Privates of the Army under my command, who were unfortunately wounded

70. The draft is in the writing of Tench Tilghman; a copy in the writing of John Laurens, is also in the *Washington Papers*.

in the Action on Thursday last, has a claim to my acknowledgements. Agreeable to the permission you offer, I have directed the following Gentlemen, Doctors Rush, Leiper and Latimer and Mr. Willet, a Mate in the Hospital with their Attendants, to wait upon you, and to take them under their care. The Wounded will be considered in the light you place them. I am etc.

P.S. I have thought proper to add Doctrs. Way and Coats to the Surgeons above mentioned, that the Wounded may have the earliest relief.¹¹

To SIR WILLIAM HOWE

Head Quarters, September 21, 1777.

Sir: Your Favor of this date was received this Evening, and agreeable to your request have sent Doctor Wilson⁵⁰ to take charge of the Wounded Officers and Men of the Army under my command who have fallen into your hands at Howel's Tavern and the Neighbouring Houses. The Doctor has directions to give a receipt for all that are delivered him, and they will be considered as your Prisoners. I am &ca.⁵¹

11. The draft is in the writing of Robert Hanson Harrison. At the end of the draft the following was struck out: "and shall be glad you will order an Authentic List of their Names to be delivered to Surgeons, that such as can be recovered may be duly accounted for."

50. Dr. Lewis Wilson, surgeon's mate, Continental Hospital. He became surgeon in June, 1779, and served to October, 1780.

51. The draft is in the writing of Robert Hanson Harrison.

To SIR WILLIAM HOWE

Head Quarters, October 6, 1777.

Sir: I cannot forbear assuring you, that I am some what at a Loss to understand the design of your Letter of the 3d. instant. I can hardly believe you to be serious in remonstrating against a proceedure fully Authorized by the common practice of Armies, countenanced by the Conduct of your own Troops at Trenton, and obviously calculated to answer a purpose very different from that of distressing the Inhabitants and increasing the common calamities incident to a State of War. If this is a consequence of it, it is an unavoidable one, and had no part in producing the Measure.

I flatter myself the Public is sufficiently sensible, that it is not my wish nor aim to distress, but to protect the Inhabitants, and know how to interpret any thing, that with respect to Individuals, may seem to deviate from this end. Nor will they be easily persuaded to consider it, as any injustice or Cruelty to them, that my parties should have rendered useless for a time a few Mills in the

Neighbourhood of your Army, which were so situated as to be capable of affording them no inconsiderable Advantages.

I am happy to find you express so much sensibility to the sufferings of the Inhabitants, as it

gives room to hope, that those wanton and unnecessary depredations, which have heretofore, in too many instances, marked the conduct of your Army, will be discontinued for the future. The instances I allude to need not be enumerated, your own Memory will suggest them to your imagination, from the destruction of Charles Town in the Massachusetts, down to the More recent burning of Mills, Barnes and Houses at the Head of Elk, and in the vicinity of the Schuylkill.⁵⁴ I am etc.⁵⁵

To SIR WILLIAM HOWE

October 6, 1777.

General Washington's compliments to General Howe. He does himself the pleasure to return him a dog, which accidentally fell into his hands, and by the inscription on the Collar, appears to belong to General Howe.⁵⁶

54. General Howe had written:

Head Quarters, 3 October, 1777.

Sir, Your Parties having destroyed several Mills in the adjacent Country, which can only distress the peaceable Inhabitants residing in their Houses, I am constrained from a Regard to their Sufferings, and a sense of the Duty I owe to the Public, to forewarn you of the Calamities which may ensue, and to express my Abhorrence of such a Proceeding. At the same Time I am inclined to believe, that the Outrages already committed have not been in consequence of your Orders, and that this early Notice will engage you to put an effectual Stop to them; If not, I do in the most direct Terms disclaim any share in creating the general Scene of Distress among the Inhabitants, which such Destruction must inevitably cause. With due respect, I am, &c.

W. HOWE.

55. The draft is in the writing of Robert Hanson Harrison.

56. The draft is in the writing of Alexander Hamilton.

To SIR WILLIAM HOWE

Head Quarters, November 4, 1777.

Sir: I have been informed by Lt. Colo. Frazer,¹ who is now a prisoner in your possession, that Major Belford² one of your Aids, had assured him it was your earnest desire, that a general exchange of Prisoners should take place on equitable terms; Or if this could not be effected, that the Officers on both sides should be released on parole. This I have no doubt was done by your authority, and with an intention that it should be communicated to me.

I assure you, Sir, nothing will afford me more Satisfaction, than to carry the first proposition into execution. But lest we should still unhappily disagree about the privates to be accounted for, and that this may not operate to the prejudice of the Officers, it is my wish for their mutual releif, that their exchange may immediately

1. Lieut. Col. Persifor Frazer, of the Fifth Pennsylvania Regiment. He had been taken prisoner at Brandywine, Pa.; escaped in March, 1778; resigned in October, 1778; appointed Clothier General of the Continental Army in July, 1779, but declined appointment; brigadier general of Pennsylvania Militia from May, 1782, to close of the war.

2. Maj. Nisbet Balfour. of the Fourth Foot, British Army, aide to Sir William Howe.

take place, so far as circumstances of rank and number will apply: And if any should then remain, that they may return to their Friends on Parole. I am induced to mention an exchange in preference to the other mode of release, supposing that it will be more agreeable to both parties. While we are on this subject, I would take the liberty to suggest that on the footing of our present agreement, the Colonels who are your prisoners cannot be exchanged, there being no Officers of the like rank in your Army.³ From this consideration I am led to inquire, whether an Equivalent cannot be fixed on to effect it, as has been practised in similar cases. I have the honor, etc.⁴

To SIR WILLIAM HOWE

Head Quarters, November 14, 1777.

Sir: I am sorry to find, by the tenor of your Letter of the 6th. instant, that we still unhappily differ in our Ideas of those just and reasonable Terms, upon which a General exchange of Prisoners might take place, and that an event, so desirable, is, probably, yet at a distance. This being the case, that relief to the unhappy, where it is practicable, may no

3. Most of the colonels in the British Army in America held the local rank of brigadier general.

4. The draft is in the writing of Robert Hanson Harrison; a copy by John Laurens is also in the *Washington Papers* in the Library of Congress.

longer be delayed, I am induced to accede to your proposition made thro' Lieut. Col. Frazer, "That the Officers who are Prisoners of War, on both sides, should be released, and have Liberty to return among their Friends on Parole." I shall expect your Answer, as soon as possible, upon this Subject, after which I shall immediately give the necessary Orders for the return of your Officers to such places as you appoint. At the same Time I wish, that their exchange may appear to you, as it does to me, the more eligible mode of release. Notwithstanding what I have said, if the interpretation I have given your Letter, does not correspond with your own meaning, and you are disposed to proceed to an Exchange of all the Prisoners in your possession, for an equal number of those in my hands, without regard to the dispute subsisting between us, I shall be happy to adopt the measure. I therefore request an explanation of the third paragraph of your Letter where you say "those at present Prisoners with me are ready to be delivered on the shortest notice, and it rests solely with you to justify me in doing it."

In respect to the charge against Mr. Boudinot, the inclosed paper will shew he has not failed to represent to Mr. Loring, the wants of the Prisoners in our hands. That these may be supplied, I shall upon your application grant passports to such persons (not above the rank of a Regimental Quarter Master) as you may send

out with necessaries for them.

You call upon me to redress the Grievances of several of your Officers and Men, who you are pleased to say "you are well informed are most injuriously and unjustifiably loaded with Irons." If there is a single instance of a Prisoner of War being in Irons, I am ignorant of it, nor can I find, on the most minute inquiry, that there is the least foundation for the charge. On the contrary, I have every reason to believe, that your Officers and Men who are prisoners with us, are experiencing a very different Treatment. I wish you to particularize the cases you allude to, that relief may be had if the complaints are well founded, and the character and conduct of the Persons shall not forbid it.

Now we are upon the subject of Grievances, I am constrained to observe, that I have a variety of Accounts, not only from Prisoners who have made their escape, but from persons who have left Philadelphia, that our Private Soldiers in your hands, are treated in a manner shocking to humanity, and that many of them must have perished thro' hunger, had it not been for the charitable contributions of the Inhabitants. It is added in aggravation, that this Treatment is to Oblige them to enlist in the Corps you are raising. The Friends of these unhappy men, call daily upon me for their relief, and the people at large insist on retaliating upon those in our possession. Justice demands it. However before

I would proceed to a measure my feelings recoil at, I thought it right to mention the facts to you, and I would propose, that I may be allowed to send a suitable person into the city, under the usual restrictions, to examine into the Truth of them.

I must also remonstrate against the cruel treatment and confinement of our Officers. This I am informed is not only the case of those in Philadelphia, but of many in New York. Whatever plausible pretences may be urged to Authorize the Condition of the Former, It is certain, but few circumstances can arise to justify that of the latter.

I appeal to you to redress these several Wrongs, and you will remember, whatever hardships the Prisoners with us may be subjected to, will be chargeable on you: At the same time it is but justice to observe, that many of the cruelties exercised towards wards Prisoners, are said to proceed from the inhumanity of Mr. Cunningham⁹⁴ Provost Martial, without your knowledge or approbation. I am etc.

P.S. just as I was about to close my Letter, two persons, men of Reputation, came from Philadelphia. I transmit you their Depositions respecting the treatment they received while they were your Prisoners. I will not comment upon the Subject. It is too painful.⁹⁵

94. William Cunningham, British provost marshal in New York City.

95. The draft is in the writing of Robert Hanson Harrison. A copy by John Laurens is also in the *Washington Papers*. The P.S. was added November 15, as the depositions there referred to bear that date. They were those of Joseph Cloyd and William Dewees, jr., and copies of them are in the *Papers of the Continental Congress*, No. 152, 5, 517.

To SIR WILLIAM HOWE

Head Quarters, November 23, 1777.

Sir: I am compelled by repeated Complaints of the Inhuman treatment still shewn to the unhappy Prisoners in your hands to call upon you for a clear and explicit answer to my Letter of the 14th instant. This I shall expect to receive by Monday Evening next. Their sufferings demand immediate redress, and unless, I obtain the most satisfactory Assurances on this Head, duty will constrain me to retaliate instantly, on the Prisoners in my possession. I am etc.⁴⁴

To SIR WILLIAM HOWE

Head Quarters, November 28, 1777.

Sir: In Answer to your Letter of the instant,⁷⁰ which came to hand on Wednesday Evening, I am to inform you, that I accede to the proposition contained therein, and have directed measures to be immediately taken for releasing

44. The draft is in the writing of Robert Hanson Harrison. (See Washington's letter to the President of Congress, Nov. 26, 1777, *post.*)

70. Howe's letter was dated November and is filed in the *Washington Papers* at the end of that month, 1777.

all your Officers upon the Condition you mention. At the same time, I wish that a more extensive relief had been agreeable to you.

I have sent Mr. Boudinot to examine into the State and Wants of the Prisoners, who are in Philadelphia, and request that he may obtain your permission for the same. He will also have an Opportunity of agreeing with your Commissary, upon the form and terms of Parole for the Officers to be mutually released, which I presume, may not be improper in order to prevent any misunderstanding on that head.

Passports shall be granted for the Commissaries or Quarter Masters you may appoint to carry supplies to the Prisoners in our hands, when you chuse to apply for them. Two will only be necessary; one for the Person assigned to go to the East. ward, the other for the Officer having supplies for the Prisoners in Pensylvania, Maryland and Virginia. Mr. Boudinot will also inform your commissary, of the proportion of Prisoners in each Quarter.

When Major Stockdon⁷¹ was first captured, I believe that he and one or two Officers taken with him, suffered the Treatment which you mention. This was without my privity or consent; as soon as I was apprized of it, relief was ordered. But surely this Event, which happened so long ago, will not Authorize the charges in your Letter of the 6th. In a word, I shall be happy, as I ever

71. Maj. Richard W. Stockton, of Brig. Gen. Cortlandt Skinner's New Jersey Volunteers, British provincial troops. (See Washington's letter to the President of Congress, Feb. 20, 1777, *ante*.)

have been, to render the situation of all Prisoners in my hands as comfortable as I can; and nothing will induce me to depart from this rule, but a contrary line of Conduct to those in your possession. Captivity of itself is sufficiently greivous, and it is cruel to add to its distresses. I am etc.⁷²

To SIR WILLIAM HOWE

Head Quarters, December 14, 1777.

Sir: The difficulty of supplying the Troops of General Burgoyne's Army with Wood and Provisions from the Country in the Neighbourhood of Boston, induces me to request, that you will grant passports for Vessels to be employed to bring them from places on the Coast. I cannot ascertain the number of Vessels that may be necessary for this Business, or the names of the Persons who may be intrusted with the command of them; the passports therefore should be blank. In such case, they can be occasionally filled up; and to prevent any doubts of their being improperly used, they may be countersigned by General Burgoyne. This I shall direct. The Letters from

72. The draft is in the writing of Robert Hanson Harrison; a copy by John Laurens is also in the *Washington Papers*.

General Burgoyne which accompany this, I transmit you by his request. I am etc.¹⁷

To LIEUTENANT GENERAL JOHN BURGoyNE

Head Quarters, December 17, 1777.

Sir: I was, a few days ago, honored with yours of the 25th. November. The packets for Sir William Howe and the letters for Gentlemen in his Army, were immediately forwarded to Philadelphia.

As I did not conceive myself at Liberty to Answer either of your requests, without first consulting Congress, I have transmitted a Copy of your Letter to them and have desired their determination, as speedily as possible; As soon as I know the result, I shall take the earliest Opportunity of acquainting you with it. I have the Honor etc.

17. The draft is in the writing of Robert Hanson Harrison.

Genl. Washington presents his Comps. to Major Genl. Philips and begs leave to inform him that his letters were forwarded to Phila. immediately upon the receipt of them.³¹

To LIEUTENANT GENERAL JOHN BURGOYNE

Head Quarters, December 20, 1777.

Sir: When I had the Honor of addressing you on the 17th. Instant, I informed you, that I had transmitted a Copy of your letter to Congress. The inclosed Copy of their Resolution, passed upon the Subject, which I send in pursuance of their direction, will shew you the only Answer I have obtained to your propositions.⁴⁶

It remains solely with Congress to grant the indulgencies which you request. The Bearer will immediately return, by whom you may have an Opportunity of writing to them. I have the Honor etc.⁴⁷

31. The draft is in the writing of Tench Tilghman.

46. See *Journals of the Continental Congress*, Dec. 17, 1777.

47. The draft is in the writing of Robert Hanson Harrison.

To JOSEPH GALLOWAY

Head Quarters, December 20, 1777.

Sir: I have your favor of the 18th. by Mr. Potts. Commissioners being appointed by the Legislative Authority of this State, to take cognizance of, and to dispose of the personal Property of those who have willingly gone over to the Enemy, it is not in my power to grant a Licence for the removal of any of your Effects. I have not the least Objections to Mrs. Galloway's going to Philadelphia, and I shall be ready to furnish passports for that purpose, whenever they are applied for. I am etc.⁴³

To JOHN POTTS

Head Quarters, December 20, 1777.

Sir: In Answer to your Letter delivered me by Major Jamieson.⁴⁴ When Mrs. Potts applies she will have my permission for herself and Children to go into Philadelphia. As to your Household furniture, I cannot consent

43. The draft is in the writing of Tench Tilghman.

44. Maj. John Jameson, of the Second Continental Dragoons. He was wounded near Valley Forge in January, 1778; lieutenant colonel in August, 1778; served to end of the war.

to their removal, they being under the cognizance and direction of the Legislature of the State. The Bearer will escort you tomorrow morning as far as our Pickets. I am etc.⁴⁵

To SIR WILLIAM HOWE

Head Quarters, January 8, 1778.

Sir: I am directed by the Board of War to acquaint you, that they have received undoubted information, that a Captain Dick and a number of American Officers are confined in Dungeons in England.

It is not known with whom this injurious and unwarranted Treatment originated, nor by what Authority it is continued; but it is expected that you will interest yourself to have it redressed. The Board cannot but feel the Wrong, and however painful it may be to retaliate, they are determined to

treat an equal number of your Officers, of the like rank, with the same degree of rigor, as long as it shall remain.

Your Favor of the 21st. Ult. in answer to mine of the 28th. of November was duly received.

45. The draft is in the writing of Robert Hanson Harrison.

Before I conclude, I would mention my concern that your last Flag was fired upon. From the inquiries I have made upon the Subject, the accident appears to have happened from your Messengers approaching by an indirect road and Omitting to give the customary Signal in time. I am, etc.⁸⁰

To SIR WILLIAM HOWE

Head Quarters, January 20, 1778.

Sir: Your letter of the 8th. Instt. inclosing Lieut. Eyre's⁵³ representation was duly received. I am not at liberty to contradict the facts which he has related; but I am inclined to think, from his own state[ment], that his conduct has not been so discreet, as it should have been; and that if he experienced a severer treatment than had been usually imposed upon Officers, Prisoners with us, it proceeded in some measure, at least, from that cause. But were not this the case, If the insults and incivilities Mr. Eyre complains of having suffered, were even so unprovoked by him, tho' I wish not to justify them, yet I cannot forbear observing, that they are

80. The draft is in the writing of Robert Hanson Harrison.

Desertions were one of the numerous troubles that afflicted the encampment at Valley Forge. On January 8 Lieut. Col. John Fitzgerald wrote Capt. Allen McLane, by direction of Washington, to round up deserters in Delaware State and empowered him to call for assistance from all civil and military officers in so doing. This order is in the *Washington Papers*.

53. Lieut. Thomas Eyre, of the Eighth Light Dragoons, British Army.

not to be wondered at, since the accounts generally received of the treatment of our Officers in your hands are replete with instances of the most flagrant indignities and even Cruelties.

Americans have the feelings of Sympathy, as well as other men. A series of injuries may exhaust their patience, and it is natural that the sufferings of their Friends in Captivity, should at length irritate

them into resentment and to Acts of retaliation. If you suppose Mr. Eyre's representation to be just, and that he escaped from a rigorous confinement, under no obligation of parole, I cannot conceive upon what principle you still consider him my prisoner: But if you are of a different Opinion, I shall expect some Gentleman of ours in your possession, who was taken in a similar character, in return for him. He was reported to me, at the time of his capture, as a Volunteer, in which light I still view him.

The Officer you mention, did not attend the flag of truce with my knowledge or consent. His conduct was reprehensible, and I hope an instance of this sort will not happen again.

Mr. James Byard was taken prisoner near the Swedes Ford, the day your Army crossed the Schuylkill. He had just returned from College, and had no rank in, or connection with the Army. He is not to be considered as a prisoner of War, but as a Citizen, and as such his Friends will propose an exchange for him. I am, &ca.⁵⁴

54. The draft is in the writing of Robert Hanson Harrison.

To CAPTAIN ARCHIBALD KENNEDY

Head Quarters, Valley Forge, January 20, 1778.

Sir: I received yours of the 15th., last Evening. When I arrived at Morris Town last winter, you applied to me, thro' Col. Moylan, for liberty to remove from thence to your farm near second River: I consented to this, as I looked upon it as a thing more convenient to you, and more proper than for you to remain in Morris Town, under your particular circumstances. I considered you then, as I do now, a prisoner of the State, and do not therefore think myself at liberty to interfere in any determination which the Governor and Council may come to respecting your future place of Residence. I can only wish that your conduct may appear to have been so unexceptionable that there may be no occasion to remove you from your own House. I am, etc.⁵⁵

To SIR WILLIAM HOWE

Head Quarters, January 30, 1778.

Sir: I have duly received your Letter of the 19th. Inst. It is unnecessary to enter minutely into its contents; since

55. The draft is in the writing of Tench Tilghman.

the inclosed Resolutions of Congress⁴⁶ will shew you, that the Matter is now put upon a footing different from that mentioned by Mr. Boudinot⁴⁷; which, at the same time, you will be pleased to consider, as final and decisive, and to regulate your Measures accordingly.

I shall be glad as soon as possible to be favoured with your determinations in consequence, especially on those parts numbered in the Margin of the Resolves, to which I must request a speedy and explicit answer.

There is one passage of your Letter, which I cannot forbear taking particular notice of. No expressions of personal politeness to me can be acceptable, accompanied by reflections on the Representatives of a free People, under whose Authority I have the Honor to act. The delicacy I have observed in refraining from every thing offensive in this way, entitled me to expect a similar Treatment from you. I have not indulged myself in invective against the present Rulers of Great Britain, in the course of our Correspondence, nor will I even now avail myself of so fruitful a Theme.⁴⁸

The Quarter Masters permitted to go with the Cloathing, appeared to me sufficient for the purpose. For tho' the Prisoners are in different places, yet they lie chiefly on a direct communication. If upon any future occasion you should conceive a greater number requisite, you will inform me of it previous to their coming, and I shall be ready to comply, as far as I think myself justified. Whether your sending out

46. See *Journals of the Continental Congress*, Dec. 19, 1777.

47. Elias Boudinot. He was Commissary General of Prisoners of the Continental Army; resigned in May, 1778; later a Delegate to Congress from New Jersey and President of Congress.

48. Howe had written, protesting against Boudinot's notification that the British would have to send in provisions for the British prisoners in American hands, beginning February 1: "Mr. Boudinot does not mention by whom this Measure is threatened to be adopted: But it is so repugnant to the Rules of War in all civilized Nations, and so marked with Inhumanity, that I cannot persuade myself it has been derived from your Advice; and I am unwilling to suspect that even the present Rulers of this

Country, are so entirely lost to all Sense of Honor, and to all feelings of Humanity, as to pass an Edict for the deliberate Destruction of those whom the Chance of War has thrown into their Hands." This was a curious thing for Howe to write, in view of the fact that he had some time previously decreed that the American prisoners of war in his hands would have to be fed by the Americans. Howe's letter is in the *Washington Papers* in the Library of Congress.

more than one British Quarter Master was an encroachment upon the spirit of the Agreement between us, shall not now be a matter of discussion, but can it be said there is anything in it, that can reconcile the coming out of Captn. McCleod.⁴⁹ I have the Honor, etc.⁵⁰

To SIR WILLIAM HOWE

Head Quarters, February 10, 1778.

Sir: I received yesterday the favor of your Letter of the 5th. Instant.⁹⁵

In answer to what ever it contains concerning General Burgoyne's Army and the measures adopted relative to it, I have only to inform you, that this is a Matter in which I have never had the least direction. It lies wholly with Congress; and the proposals you make on this head, must be submitted to them; I have accordingly transmitted a Copy of your Letter, and shall be ready to forward you any Resolution they may take in consequence.⁹⁶

I shall omit animadverting on your Observations, with regard to the allowance and treatment to

49. Capt. Norman McLeod, of the Seventy-first Foot, British Army.

50. The draft is in the writing of Robert Hanson Harrison.

95. Howe's letter is in the *Washington Papers* in the Library of Congress.

96. Howe's letter protested against the detention of Burgoyne's troops. Maj. Gen. William Heath had informed Burgoyne that the Saratoga Convention troops would not be permitted to embark until all accounts for their subsistence and other necessities were settled.

Prisoners in your Hands. It is a subject which has been fully discussed in the progress of our correspondence, and the necessity of a further investigation is superseded, by your now meeting me on the ground I have so long wished.

The Powers under which I act, are entirely derived from Congress, and must of course be subject to such modifications as they may think proper, according to circumstances, to prescribe. But, holding myself fully authorized by their Instructions and intentions, to avail myself of the reasonable Terms, you are at this time willing to adopt for the mutual relief of Prisoners, I shall explicitly close with your propositions to the following effect.

“That an Exchange of all Prisoners now in our possession, Officer for Officer, Soldier for Soldier and Citizen for Citizen, so far as number and rank will apply,” be carried into execution, as expeditiously as the nature of the case will admit, and without regard to any controverted point, which might prove an impediment to so desireable an End. And here, as I may not clearly understand your meaning when you say “In the mean time I shall wait the arrival of the British Officers whom you have released upon their paroles, and shall without delay send an equal number to you in return”; I take occasion to request, that you will be pleased to favor me with an explanation; Whether you intend to consider such Officers on both sides, as still continuing under the Obligation of a parole,

or as absolutely exchanged in pursuance of the General Cartel. I see no reason why an effectual exchange should not, at once, operate with respect to them.

I also agree that two Commissioners from me shall meet a like Number from you, on the 10th. day of March in German Town at the King of Prussia Tavern at 11 in the forenoon, to adjust, upon equitable Terms, the difference you mention, and such other matters, as they may be severally empowered to determine.

With respect to a general settlement of Accounts, as it comprehends points with which I have no Authority to interfere, it is not in my power to concur in the measure you suggest for that purpose. I am under the necessity of referring it to the decision of Congress.

Considering a general exchange as finally agreed on between us, I shall, without delay, order the Prisoners in our hands to places in the vicinity of your different posts, as their respective situations may render most convenient; and shall give you notice as they arrive, that you may return a number equal to those sent in from time to time. I am, etc.⁹⁷

97. The text is from the Varick Transcripts in the Library of Congress.

To THOMAS MONTGOMERIE²⁹

Camp, Valley Forge, February 28, 1778.

Sir: I yesterday received your favor of the 16th. Instt. I am sorry to hear your indisposition still continues, and that it is such, as to make a change of your situation necessary.

Under these circumstances, I cannot but consent to your request and shall willingly grant you a permit, to go either to Philadelphia, or to New York, as maybe most expedient, when you are pleased to apply for it. I do not know whether the Legislature of Virginia has prescribed any Regulations in cases of this sort. If it has, I am persuaded, they will be pointedly observed by you. I am, etc.³⁰

To SIR WILLIAM HOWE

Head Quarters, March 9, 1778.

Sir: I have your Letters⁷⁴ of the 14th. and 21st. of February and the 2d. of March, of all which due notice shall be taken.

Particular circumstances occurring make it incon-

29. Of Dumfries, Va.

30. The draft is in the writing of Robert Hanson Harrison.

74. The draft, by Hamilton, was originally written: "I have been honored with your several favours of the 14th etc." and apparently changed as above by Washington's direction.

-venient for my commissioners to meet yours at the time appointed: I must therefore beg to have the meeting deferred 'till the 31st. of March.

Mr. Boudinot, who has lately returned to Camp from New York, informs me, that, notwithstanding Maj or General Prescott has been several Weeks in the City, in pursuance of our agreement for the liberation of Officers on parole, General Lee is not permitted to come out; and that orders had been received from you, to send him round to Philadelphia by Water, that you might take his parole in

person. There can be no reason to prevent his parole being taken where he is; and I must consider his being required to expose himself to the inconveniencies of a Sea-Voyage, at this Season, as altogether unnecessary. I had a right to expect, he would have been released as soon as General Prescott went in; and must request you will accordingly give immediate orders for it. If you will be pleased to transmit your directions through me, for that purpose, I will carefully forward them. This would obviate the uncertainty and possible delay of a conveyance by Water. I am, etc.⁷⁵

75. The draft is in the writing of Alexander Hamilton. The word in brackets has been inserted by Washington after striking out the 24th instant (April) and other meeting arrangements.

To SIR WILLIAM HOWE

Head Quarters, Valley Forge, March 12, 1778.

Sir: Your Letter of the 10th came to hand last Night.

The Meeting of our Commissioners cannot take place 'till the time appointed in my last.

I am not able to conceive on what principle it should be imagined, that any distinction, injurious to Lieut. Col. Campbell and the Hessian Field Officers still exists. That they have not yet been returned on parole, is to be ascribed solely to the remoteness of their situation. Mr. Boudinot informs me, that he momentarily expects their arrival, in prosecution of our engagement. You are well aware, that the distinction originally made, with respect to them, was in consequence of your discrimination to the prejudice of General Lee. On your receding from that discrimination, and agreeing to a mutual releasement of Officers on parole, the difficulty ceased, and General Prescott was sent into New York, in full expectation, that General Lee would have immediately come out, in return. So far from adhering to any former exception, I had particularly directed my Commissary of Prisoners, to release Lieut. Col. Campbell in lieu of Lieut. Col. Ethan Allen.

I wish, Sir, I was not Obligated to say there are some ambiguities, still Characterising the measures taken

concerning General Lee, which justify alarming surmises, notwithstanding all that has passed to the Contrary. I have now been as explicit as you can desire, on the subject of Col. Campbell and the Hessian Gentlemen, and I hope to find you as explicit on the subject of General Lee, by giving directions without farther delay, to liberate him in place of General Prescott. General Lee's request, mentioned by you, to be permitted to come by Land to Philadelphia, can be no Objection

to this requisition; it was founded upon your order to send him round by Water to that place; and, conceiving it would be insisted on, that he should pass to Philadelphia, he preferred the mode of going by Land, as the least inconvenient alternative. But the Measure appears to me wholly improper, and a departure from our late stipulation, calculated to impose unnecessary hardships on that unfortunate Gentleman, and to produce needless procrastination, at least, in allowing him the common benefit of a General agreement. With due respect, I am, etc.¹⁰

To SIR WILLIAM HOWE

Head Quarters, March 22, 1778.

Sir: Your several Letters of the 15th. 19th. and 21st. Instt.

10. The draft is in the writing of Robert Hanson Harrison.

have been duly received.

You are under a mistake, as to the rank of Mr. Ethan Allen, which is only that of Lieutenant Colonel; and as such he has been returned and considered by your Commissary, Mr. Loring. The fact truly is, to the best of my information, that at the Time of his capture, he had an appointment as Lieut. Col., from the State of New York, in a Regiment commanded by Col. Warner. Tho' he may have been called Colonel in some Letters of mine, it was either thro' misconception at the time, or by a concise and familiar mode of expression, which frequently applies that term to a Lieutenant Colonel.¹⁰ I shall therefore expect him in exchange for Mr. Campbell.

I am by no means sensible of the propriety of so rigorous a proceeding, as you have adopted in the case of Captains Robinson¹¹ and Galt,¹² especially as it respects the former. Your Letter gave me the first notice I had, of any circumstance of the Affair, and I can without scruple, assure you, I am not conscious, that they had any sinister view in what they did. It is evident, no deception nor any thing unfair could have been intended by Captain Robinson, as he was previously announced to you, and your passport obtained. He was a person too well known in Philadelphia, to have hoped to escape detection, under the mask of a fictitious and disguised Character. The destruction of the Armed Brig he formerly commanded, threw him out of

10. Ethan Allen was generally accorded the title of colonel, whether he held such a commission or not. Heitman states he was lieutenant colonel of the Green Mountain Boys, a New Hampshire Grants

(Vermont) organization of 1775. He was brevetted a colonel in the Continental Army by the resolve of Congress of May 14, 1778.

11. Isaiah Robinson (or Robertson) was a captain in the Continental Navy.

12. Nathaniel Gait was a captain in the Pennsylvania State navy.

actual employment, and his taking charge of the Shallop, destined to convey relief to the unfortunate, can only be deemed an instance of his condescension.¹³ I know nothing of Captain Galb but it is not improbable he was actuated by similar motives. If the conduct of both or either of them was influenced in part by other incentives, I am persuaded they only related to private and personal concerns and might authorize a charge of indiscretion, rather than of ill design. You were expressly told, that Captain Isaiah Robinson was to have charge of the Shallop. Your own passport ought to have protected him, since it is not pretended, that he committed any Act, in the execution of his Commission, which could have forfeited it's protection. I am well aware of the delicacy which ought to be observed in the intercourse of Flags, and that no species of imposition should be practised under their sanction. But there are some little deviations, which inadvertency or the imprudence of Individuals may occasion, which are more properly causes for Remonstrance, than punishment; The present event, on an impartial consideration, will not appear any thing worse, and I think myself fully justified in demanding the immediate restoration of Captain Robinson, and desiring the release of Captain Galt.

The conduct of Lieutenant Col. Brooks¹⁴ in detaining John Miller, requires neither palliation nor

13. Harrison wrote "humanity," but Alexander Hamilton substituted the "condescension."

14. Lieut. Col. John Brooks, of the Eighth Massachusetts Regiment.

excuse. I justify and approve it. There is nothing so sacred in the Character of the King's Trumpeter, even when sanctified by a flag, as to alter the nature of things, or consecrate infidelity and Guilt. He was a Deserter from the Army under my Command; and, whatever you have been pleased to assert to the Contrary, it is the Practice of War and Nations, to seize and punish Deserters Wherever they may be found. His appearing in the character he did, was an aggravation of his Offence, in as much as it added insolence to perfidy. My scrupulous regard to the priviledges of flags, and a desire to avoid every thing, that partiality itself might affect to consider as a violation of them, induced me to send orders for the release of the Trumpeter, before the receipt of your Letter; the improper and peremptory Terms of which, had it not been too late, would have strongly operated to produce a less

compromising conduct; I intended at the time to assure you, and I wish it to be remembered, that my indulgence in this instance, is not to be drawn into precedent, and that, should any deserters from the American Army, hereafter have the daring folly to approach our Lines in a similar manner, they will fall victims to their rashness and presumption.

I shall give orders, as you request, for acknowledging the receipt of your Letters at the Posts where they shall be delivered.

Serjeants McMahon and Cameron were taken at a distance from their party, whither they had straggled, under very exceptionable circumstances, and were confined in Lancaster Gaol, on suspicion of their being Spies. I have sent directions to have them conveyed to your lines, which nothing but a regard to the promise of my Aid de Camp would induce me to do, the Conduct of these men having been so irregular and criminal, as to make them justly amenable to punishment. The particulars of this Affair shall be the Subject of future animadversion.

Before I conclude, I think it proper to inform you, that Col. Grayson, Lieut. Colonels Harrison and Hamilton and Elias Boudinot Esquire Commissary General of Prisoners, are the Gentlemen appointed on my part, to meet your commissioners.¹⁵ I am, etc.¹⁶

To SIR WILLIAM HOWE

Head Quarters, March 29, 1778.

Sir: I have been favoured with your Letter

15. For negotiating an exchange of prisoners.

16. The draft is in the writing of Robert Hanson Harrison, with a few minor changes by Alexander Hamilton.

of the 27th. Instant.

I agree with you, that German Town shall be considered as a neutral place, during the Meeting of the Commissioners, and that, no Troops shall be permitted to enter it, while they are there, except the guards mutually sent to attend them. With due respect, I am, etc.⁹¹

To BARON VON RIEDESEL¹⁶

Head Quarters, Valley Forge, March 31, 1778.

Sir: It is some time since I have been honored with yours of the 11th. January, to which I should have replied sooner, had I not been obliged to wait for an answer from General Gates, upon the subject of your Letter. He says you never applied directly to him for the exchange of yourself, or any German Officers, either of your family or the Corps; but that he was told at Albany, that you and Major General Phillips¹⁷ had seperately applied to Sir William Howe to be exchanged for General Lee and had been answered, that as General Prescott had been first taken he must be first exchanged. I imagine from the foregoing, that General Gates must have misunderstood

91. The draft is in the writing of Robert Hanson Harrison.

16. Maj. Gen. Frederich Adolph, Baron von Riedesel, German Allied Troops, British Army in America.

17. Maj. Gen. William Philips, British Army.

you, as he says he should have had no Objection to exchanging the foreign as well as the British Officers.

Commissioners from me are now negotiating a general Exchange of Prisoners with Commissioners from Sir William Howe. If they agree upon Terms, I shall not have the least objection to exchanging a proportion of foreign as well as British Officers. But you will please to observe, that this is a Matter which depends solely upon Sir William Howe's pleasure, as he has a right to demand such Officers as he think proper for an equal Number of equal rank; but I should suppose that justice to his Allies would point out the equity of an impartial Exchange. I have the Honor etc.¹⁸

To SIR WILLIAM HOWE

Head Quarters, April 4, 1778.

Sir: I was sorry to learn an objection had been made to the residence of my Commissioners at German Town, during the continuance of the negotiation, as it served to give interruption to a business, which we are mutually interested should proceed

18. The draft is in the writing of Tench Tilghman.

without more delay, than the nature of it requires. I had no idea, but that the Gentlemen on both sides were to remain constantly at German Town 'till the conclusion of the treaty. The distance between my lines, or any post of sufficient security near them and that place, rendered the daily return of those on my part intirely inexpedient, not only on account of the inconvenience to themselves; but because it must have necessarily retarded, to a very great degree, the progress of the negotiation.

It is perfectly agreeable to me to fix upon some place not liable to the exceptions you mention. Newtown appears to answer this description, as well as any other I now recollect. I have no Objection to its being changed at any time, if requisite, by the concurrence of the Commissioners. It is of course to be understood, that the place of treaty shall be neutral 'till it is terminated. Monday next, at five O'Clock in the afternoon, if you think proper, will be the time of meeting.

It gives me pleasure, that you have directed General Lee's releasement on parole, not only for his own sake, but in consideration of its tendency to reconcile differences, and facilitate an object, in which the interests of humanity are so nearly concerned, as that which we now have in contemplation. You may rely on it, that Colo. Campbell and the Hessian Field Officers will be sent in as

speedily as possible.

Lieut. Col. Meade, one of my Aids, with a small escort of Horse, will meet General Lee at your Picket near Schuylkill Bridge, on Sunday Morning. I am, etc.

P.S. I take the liberty to inclose a letter for General Lee, which I shall esteem it a favor may be forwarded him.⁵⁰

To SIR WILLIAM HOWE

Head Quarters, April 19, 1778.

Sir: I have been favoured with your Letter of the 16th. Instant.

Mr. Lowry⁶⁵ was never a principal commissary of ours, but only acted occasionally as a Deputy, for purchasing Provisions where he lived. I do not know, whether he was employed, at the time of his capture, even in this line. From this state of facts, you will readily agree with me, that I can not with propriety accede to your offer. However, in order to put the fair Lady, in whose case you so obligingly interest yourself, in the possession

50. The drafts, in the writing of Robert Hanson Harrison and Alexander Hamilton, are in the *Washington Papers*. The text follows the Harrison draft, which differs from Hamilton's in capitalization only.

65. Stephen Lowry, Assistant Deputy Commissary of Purchases in 1776.

of her Husband, I would propose that an exchange should take place between Mr. Higgins and Mr. Lowry. I am ready, as far as depends on me, to comply with the Lady's wishes, and it remains with you to lend your aid for their completion.

I request, that your flags in future, may cross the Schuylkill near Philadelphia, and proceed to our out posts, by the Lancaster Road. By taking the route East of Schuylkill they may meet with accidents from parties of Militia, for which I cannot be responsible. I am, etc.⁶⁶

To LIEUTENANT COLONEL ARCHIBALD CAMPBELL⁸⁷

Head Quarters, Valley Forge, April 23, 1778.

Sir: I was yesterday favored with yours of the 20th. Instr. informing me of your arrival at Morris Town. Give me leave to congratulate you upon the prospect of your exchange, which will be immediately effected, Mr. Boudinot having given orders to his Deputy to accompany you to Elizabeth Town, where I expect you will meet Lieut. Col. Allen.

I am sorry that a variety of Obstacles have prevented your Exchange before this time, but I can assure you, that no proposition has ever been made in your favor

66. The draft is in the writing of Robert Hanson Harrison.

87. Of the Seventy-first Foot, British Army.

but has been acceded to on my part. I wish you a happy sight of your family and Friends, and am
etc.⁸⁸

To MAJOR GENERAL WILLIAM TRYON¹¹

Head Quarters, Valley Forge, April 26, 1778.

Sir: Your letter of the 17th.¹² and a triplicate of the same were duly received. I had had the pleasure of seeing the Draughts of the two Bills, before those which were sent by you, came to hand; and I can assure you, they were suffered to have a free currency among the officers and men under my command, in whose fidelity to the United States, I have the most perfect confidence. The inclosed Gazette, published the 24th. at York Town, will show you, that it is the wish of Congress they should have an unrestrained circulation.

I take the liberty to transmit you a few printed copies of a resolution of Congress of the 23d. instant, and to request, you will be instrumental, in communicating its contents, so far as it may be in your power, to the persons who are the objects of its operation.¹³ The benevolent purpose, it is intended to answer, will, I persuade myself,

88. The draft is in the writing of Tench Tilghman.

11. He resigned the royal governorship of New York, Mar. 21, 1778.

12. Tryon's letter of April 17 was forwarded to Congress by Washington, April 23, and is filed with that letter in the *Papers of the Continental Congress*.

13. The resolve of April 23 recommended to each State to issue a proclamation offering pardons, as it might judge expedient, to its inhabitants who had levied war against the State, or aided or abetted the enemy, who should surrender themselves before June 10. Congress ordered 500 copies of this resolve printed in English and 100 in German, and Washington was desired to take measures to circulate them through the Tory troops with the British Army.

sufficiently recommend it to your candor. I am, etc.¹⁴

To RICHARD, LORD HOWE

Head Quarters, May 10, 1778.

My Lord: By desire of Governor Cooke and Captain William Chace of Rhode Island, I transmit to your Lordship the inclosed Letters, which came some days ago addressed to my care.

At the same time I would take the liberty to offer your Lordship my request for the release of John Chace, the object of those Letters, and who is a prisoner on board one of the Ships under your Lordship's command. In the case of this man, I find myself peculiarly interested, as his long suffering and present confinement may perhaps, in some degree, be ascribed to me. The enclosed copy of a Letter to myself from Governor Cooke, will discover to your Lordship, that I am more concerned in his discharge, than in that of common Prisoners. I would further observe, that you may be fully possessed of the whole subject, that my interposition in favor of Messrs. Hutchinson and Shireley was founded

14. The draft is in the writing of Alexander Hamilton.

on an application made by Lt. Col. Walcot thro Lt. Col. Harrison, and on the assurance of the former, that your Lordship, or Sir William Howe, would release in turn any person, not in the Military line, whose discharge might be requested. Colo. Walcot in a short time after, was desired by Letter from Lt. Col. Harrison to intercede for Mr. Chace's enlargement, but as it has not been obtained, I must suppose he either did not receive the Letter, or that he omitted to mention the matter. I have the Honor etc.²

To SIR WILLIAM HOWE

Head Quarters, May 23, 1778.

Sir: I duly received your Letter of the 10th. instant.

Inclosed is a Copy of a Resolution of Congress of the 21st. instant, which you will consider as a definitive answer to the propositions that Letter contains.⁴⁶

I shall direct my Commissary of Prisoners, in concurrence with yours, to prosecute the exchange agreeable

2. The draft is in the writing of Robert Hanson Harrison.

46. The resolves of May 21 proposed, in general, an exchange of officer for officer and soldier for soldier. The officers of Burgoyne's army were included, but no tariff of exchange was allowed. The resolves closed with a hint to Howe regarding his treatment of American prisoners during the approaching hot season, which implied retaliation for their suffering. (See *Journals of the Continental Congress*, May 21, 1778.) Gouverneur Morris wrote (May 23) to Washington: "Congress having determined on the Affair of the Prisoners, and (in my opinion wisely) dropt for the present all Mention of Citizens; you will probably be enabled to negotiate a Cartel." Morris's letter is in the *Washington Papers*.

to that resolve, in the most expeditious and convenient manner. I am, etc.⁴⁷

To SIR WILLIAM HOWE

Head Quarters, May 26, 1778.

Sir: Much time having elapsed since I wrote you on the 22d. of March, upon the subject of Captains Robinson and Galt, without receiving an Answer or their being restored to their Liberty, I esteem it my duty to transmit you an Extract from the Copy of that Letter, so far as it relates to them, and to call your attention again to the requisitions contained in it. I am etc.⁷³

To SIR HENRY CLINTON⁴³

Head Quarters, May 31, 1778.

Sir: I had the Honor last night to receive your

47. The draft is in the writing of Robert Hanson Harrison.

73. The draft is in the writing of Robert Hanson Harrison. The letter sent, dated May 27, 1778, is in the Royal Institute, London.

43. Clinton took command of the British Army in Philadelphia on May 11.

favor of the 30th. Instant.

I am sorry, that I cannot see the necessity of the interview, which you propose.^{44a} If you or Lord Howe have any dispatches for Congress and think fit to transmit them to my care, they shall be forwarded by the earliest Opportunity: If you have any of a military nature for me, for none other can come properly under my consideration, I wish them to be communicated in writing and in the usual way. This will prevent any trouble on the part of Colonel Paterson, and must answer I should suppose, all the purposes you may have in view. I have the Honor, etc.^{45a}

To RICHARD, LORD HOWE

Head Quarters, June 6, 1778.

My Lord: On Thursday last I received the favor of your Letter of the 27th. Ult., with the Copies of the Acts to which it refers.^{44b} I have the Honor etc.^{45b}

44a. Clinton wished to send Colonel Paterson to Washington with a number of the conciliatory bills.

45a. The draft is in the writing of Robert Hanson Harrison.

44b. The two acts were those passed "this Session of Parliament, for quieting the Disorders now subsisting in these Colonies, and preparing the Way for the Return of Peace,"

45b. The draft is in the writing of Robert Hanson Harrison.

To SIR HENRY CLINTON

Head Quarters, June 6, 1778.

Sir: On Thursday I received the favor of your Two Letters of the 3d. Inst.

The packet addressed to the President of Congress has been forwarded to him.

In consequence of your Letter on the subject of Prisoners, and a Note to Mr. Boudinot from Mr. Loring, I authorized Lt. Colo. Hamilton, one of my Aids, to meet the latter, and to make such propositions for an exchange, as the situation of the Prisoners in our hands would justify. These, I find, by a Letter from Mr. Loring, have not met with your concurrence. As an exchange is exceedingly interesting to the Prisoners on both Sides and mutually wished by us, I have directed Mr. Boudinot to request a meeting with Mr. Loring to day at German Town, in order to discuss the point more fully than it was the other day; and to adopt every measure that circumstances will admit of, for accomplishing so desireable a Work. Mr. Beatty who will succeed Mr. Boudinot in the Commissary's Office, will accompany him. I have the Honor etc.⁴⁶

46. The draft is in the writing of Robert Hanson Harrison.

To SIR HENRY CLINTON

Head Quarters, June 9, 1778.

Sir: At nine O'Clock this Evening, I had the honor to receive your Excellency's Letter of this date. I do not conceive myself at liberty, to grant the passport which you request for Doctor Ferguson, without being previously instructed by Congress on the subject. I shall dispatch a Copy of your Letter to them; and take the earliest opportunity of communicating their determination. I have the Honor etc.⁷⁰

To DOCTOR ADAM FERGUSON

Head Quarters, June 9, 1778.

Sir: The Letter which accompanies this will inform Sir Henry Clinton, that I cannot grant the passport requested by his Favor of this date, without the previous direction of Congress upon the subject. This I have thought proper to advise you of, to prevent you the inconvenience of proceeding, should this find you on the Way. I have the Honor etc.

70. The draft is in the writing of Robert Hanson Harrison.

To SIR HENRY CLINTON

Head Quarters, June 20, 1778.

Sir: I do myself the honor of transmitting you the inclosed Letters from General Philips, which came under cover to my care.

I must also take the liberty to commit to your care, a Letter addressed to the Right Honble the Earl of Carlisle &ca. with two others for Govr. Johnstone and Mr. Eden, and to request that they may be conveyed to them by the earliest opportunity.

Your Letter, covering one for General Philips, was duly received. The latter I shall forward agreeable to your request. I have the Honor, etc.

P.S. I transmit a Note, for a Sum of Money from a Mr. Gwinn to Mr. Boyce of your Army, of a mere private nature, which has lately fallen into my hands.⁷⁸

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, White Plains, August 16, 1778.

Sir: The inclosed packet was sent to me a few

78. The draft is in the writing of Robert Hanson Harrison.

days ago by Sir Henry Clinton.

I should be happy to Oblige Sir Henry or yourself, in any thing I could do with propriety; but it is not in my power to grant the request made by him in this instance, as all matters respecting the Officers and troops of the Convention are under the immediate direction and controul of Congress. I am, etc.³⁹

39. The draft is in the writing of Tench Tilghman.

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, November 6, 1778.

Sir: I was favoured with your Letter of the 29th Ult. by Captain Masters.⁶

The several packets which he had in charge have been sent into New York, but from recent and particular resolves of Congress I could not comply with your intention respecting Captain Masters's interview with General Clinton. He has however made his application in writing for an exchange, and waits in this neighbourhood for his Excellency's answer.

6. Capt. Richard Master, of the Twenty-fourth Foot, British Army.

Your cares for the troops of Convention on their present march, are such as discover the attentive commander; while your expressions of politeness claim my personal respect. I shall endeavor, during the continuance of their march to confine its inconveniencies to such as are unavoidable, or that cannot be obviated by any arrangement of ours at this season of the year.

For this purpose I have appointed an officer of rank to attend the march, and commissaries and quarter masters to meet the troops, with such other dispositions as appear necessary on the occasion.⁷

I make no doubt but your officers will accommodate their minds to the change and conform the discipline of their soldiers to the prevention of disputes, either with their conductors, or the countries thro' which they may travel.

The resolution of Congress directing the removal of the Convention troops to Charlottesville, includes in my opinion, its officers under every description; And in this sentiment I have written to Major General Gates who now commands at Boston.

It is natural, the desire you express for a sight of your friends for the settlement of private affairs, and a moment of free communication with those at a distance; but Sir the proposition which you have been pleased

7. "Col. Bland who is appointed to superintend the removal of the Convention troops will set out today on this service. His Excellency mentioned to you the providing of a quarter master to attend

the troops on their march.... You will be pleased Sir to notify the Gentleman of your appointment of Col. Bland's intention to set out to day, and that it is his Excellencys pleasure he should accompany the Colonel. You will also be pleased to communicate his name; When he will be ready and where he may be found."— *McHenry to Greene*, Nov. 8, 1778. McHenry's letter is in the *Washington Papers*.

to prefer to me on this subject, must come directly and in the first instance before congress. I have the honor etc.⁸

The draft is in the writing of James McHenry.

To SIR HENRY CLINTON

Head Quarters, Fredericksburg, November 27, 1778.

Sir: I do myself the Honor of transmitting to Your Excellency, the inclosed Copy of an Act of Congress of the 19th. Instant, in answer to the proposition made in your Letter of the 10th.

In order to negotiate an Exchange on the principles therein mentioned, Lieutenant Colonels Harrison and Hamilton, of the Army under my command, will meet Colonels O'Hara⁵⁰ and Hyde⁵¹ at Amboy, on Monday the seventh of December at 11 OClock, with proper powers.

I would propose as the means of expediting business that our respective Commissaries of prisoners should attend at the same time and place, to carry into execution what shall be determined by the Commissioners. I have the Honor etc.

P.S. If Your Excellency should chuse to return me an Answer, Your Letter will have the most ready conveyance by way of Elizabeth Town.⁵²

50. Col. Charles O'Hara, of the Second Foot Guards, British Army.

51. Col. West Hyde, of the First Foot Guards, British Army.

52. The draft is in the writing of Robert Hanson Harrison.

To BRIGADIER GENERAL JAMES HAMILTON⁶⁰

Head Quarters, November 29, 1778.

Sir: I was last night honored with your polite Letter of the 25th. Instant, and am much obliged by the favourable sentiments you are pleased to entertain of me.

I feel for the situation of Capt. Fetherstone,⁶¹ in whose favor you interest yourself, but yet it is not in my power to comply with your request in his behalf. I should hope he may secure his claim by writing to Sir Henry Clinton and his friends upon the subject and if it should be thought that this expedient would answer any good purpose and the Captain will write, His Letters shall be transmitted by an early flag. In consequence of a proposition from His Excellency Sir Henry Clinton and Others on the part of the Honorable the Congress, it is probable there will be a meeting of Commissioners from the two Armies, in the course of a few days, to confer upon Matters respecting the exchange of the Convention Officers and those of our Army, prisoners with him. I cannot tell what the result may be; but I shall be happy if it produces relief to the parties who are the Objects of the meeting. I have the Honor, etc.⁶²

60. Of the British Army.

61. Capt. William Featherstone, of the Twenty-first Foot, British Army.

62. The draft is in the writing of Robert Hanson Harrison.

To MAJOR GENERAL WILLIAM PHILLIPS

Philadelphia, December 25, 1778.

Sir: On Monday last, just as I was setting out from my Quarters at Middle Brook, I received the favor of your two Letters of the 8th. Instant.

Lieutenant Campbell, agreeable to your request, was permitted to proceed to New York with your dispatches to Sir Henry Clinton, with liberty to return when he should have

finished his business.

With respect to an exchange of prisoners, I assure you, Sir, there is nothing that would give me greater pleasure than such an event, founded on principles of quality and mutual advantage; but at present, I see but little if any prospect of it's taking place. Since the date of your Letters there

has been a meeting of Commissioners from the two Armies upon the subject, when nothing was effected; and when the views of Congress and of Sir Henry Clinton were explicitly declared. This and every other circumstance convinces me that the interview you have been pleased to propose could answer no valuable purpose; nor should I think myself at liberty to take up a business of this nature without proper authority on both sides, to give efficacy to what might be proposed or done. I have the Honor etc.¹⁸

To SIR HENRY CLINTON

Philadelphia, December 26, 1778.

Sir: Inclosed, I send your Excellency Wm. Beatty's representation of the case of Brower and Lezier,¹⁹ two soldiers

18. The draft is in the writing of Robert Hanson Harrison.

19. Brower and Lozier (Loziers, Lashier). Sir Henry Clinton reported that they had been captured after killing a loyalist named Richards, and why he was justified in classing them as banditti.

in the service of these states, who it appears are suffering under a confinement of peculiar severity, without any sufficient cause for so injurious a discrimination. I am persuaded I need only call your attention to the situation of these men to induce you to order them relief, and to have them placed precisely on the same footing with other prisoners of war. This will lead to their immediate exchange. I have the honor etc.²⁰

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, Philadelphia, January 26, 1779.

Sir: I have had the honor of receiving your favor of the 4th. Decemr., two of the 6th. and one of the 16th. Jany.

The application relative to Lieut. Maxwell I find was answered in my absence from Camp; that respecting a conference intended to serve as a basis for a final negotiation of the exchange of the Convention Troops, you have withdrawn. It only remains therefore for me to say, on the subject of

the Flag Ships destined to carry necessities for your Troops, that whenever it is judged proper to dispatch them from New York,

20. The draft is in the writing of Alexander Hamilton.

the Passports required will be immediately granted, upon my being made acquainted with the names of the Vessels and their Commanders.

With regard to the most convenient place for discharging their Cargoes I must beg leave to refer you to the Governor of Virginia, who will send directions to Hampton,⁵³ as far as which place my Passports will authorise the Vessels to proceed. I inclose a Letter from His Excellency. The President of Congress and have the honor to be etc.⁵⁴

To MAJOR GENERAL WILLIAM PHILLIPS

Philadelphia, January 30, 1779.

Sir: I am this moment honored with your letter of the 28th.

I beg leave to inform you that my charge with respect to the Convention troops extended only to their march from Cambridge to Charlottesville; and when they have arrived there will cease of course. The arrangements for their accommodation there, have been conducted under the direction of Congress. But I cannot have the least doubt,

53. Hampton Roads, Va.

54. The draft is in the writing of John Laurens.

that every possible provision has been and will be made to render their situation as comfortable as circumstances will permit. Barracks are built and building for their reception; and by accounts, just received, will probably be completed as fast as the several divisions arrive. Colonel Lewis⁷⁴ of Virginia, is appointed to the command; and Mr. Hervy⁷⁵ is to act as Commissary of Prisoners. From the established characters of these gentlemen, every thing that justice honor or humanity dictates may be expected. I promise myself, with pleasure, that General Reidesel's peculiar situation will experience the attention to which it is intitled.

The inclosed letter which you will perceive was written previous to the receipt of your last contains an answer to that part of it which relates to the subject of Flagg-ships for conveying necessaries to the Convention troops. You will excuse my not permitting an officer to pass with your dispatches to New York; as I think the purpose may be equally well answered without it. The mode most convenient for your communication with New York will be to transmit your dispatches to me; and you may rely they shall be forwarded in the most punctual and expeditious manner.

I am Sorry to find the troops are in such immediate want of money and necessaries. I imagined they would have been supplied in passing the North River, as I had signified my consent to Sir Henry Clinton, that he might send up that River, any necessaries they should require.

74. Col. Charles Lewis, of the Fourteenth Virginia Regiment.

75. John Harvie(?), who was colonel of Virginia Militia from 1776 to 1781.

With great respect, I have the honor, etc.⁷⁶

To SIR HENRY CLINTON

Head Quarters, Middle Brook, February 5, 1779.⁹⁰

Sir: I do myself the honor to inclose the Copy of a Resolve of Congress of the 28th. ulto. respecting the Exchange or return of Officers as well British as American who may have actually violated their paroles. That the intention of this Resolve may be the more readily and effectually carried into execution, I would propose that our respective Commissaries of Prisoners⁹¹ may meet at such time and place as they themselves shall agree upon, to determine what Officers, on both sides, come strictly under the description of violaters of their paroles, and then to account for them mutually, according to the principles and agreements which have hitherto regulated their Exchanges. I have had the honor of receiving your far. of the 23d. ulto. and am to thank you for your ready attention to the representation in behalf of Brower and Loshier. I have the Honor &ca.⁹²

76. The draft is in the writing of Alexander Hamilton.

90. The Commander in Chief arrived at Middlebrook and resumed command of the Army on February 5. (See Washington's letter to Gov. Patrick Henry, Feb. 7, 1779, *post.*)

91. John Beatty, of the Continental Army, and Joshua Loring, of the British Army.

92. The draft is in the writing of Tench Tilghman.

To SIR HENRY CLINTON

[Head Quarters] February 14, 1779.

Sir: I have been duly honored with your letter of the 9th. instant. You will find inclosed three passports for the ships you mention in the margin, to proceed to Hampton road, there to receive further directions from His Excellency the Governor of Virginia. I prefer this mode to that of giving passports immediately for Richmond, as when they are arrived at Hampton the Governor can regulate their future progress in the manner which will be most convenient to both parties.

I have notified him on the subject that he may be prepared to meet the vessels with the necessary directions, to avoid delay.

I have not added the passport for the Vessel to proceed to Baltimore, as the supplies for the Prisoners at Fort Frederick and Winchester can be conveyed to them in the ships that go to Hampton and being addressed to the care of Major General Phillips can be transported to those places by way of Charlotteville. I have the honor etc.

P. S: I shall do myself the pleasure of forwarding your letter to Major General Philips. Governor Henry will furnish passports for the return of the Vessels.⁶⁴

64. The draft is in the writing of Alexander Hamilton.

To SIR HENRY CLINTON

Head Quarters, Middle brook, March 1, 1779.

Sir: You have herewith inclosed a passport for 10.000 £ St. on board the brig Lady Howe, for Hampton road in Virginia.

I have also transmitted a passport for the Schooner Argyle, Magnus Crosbie Master, but confined it to the same place. It is a much shorter passage from Hampton road to Alexandria or George Town

on the Potomack; and as either of these places are nearer to Fort Frederick and Winchester, than Baltimore. The necessaries and specie in the schooner Argyle may be conveyed in one of the Bay craft from Hampton road to Alexandria or George Town, and from thence by land to their place of destination.

Least the articles for the prisoners should meet with any unnecessary delay, or my Letter to the Governor of the State of Virginia on the subject of receiving and forwarding them, should not have arrived before the Argyle, I send you one to Governor Henry of the same import, which will procure proper crafts and persons for their safe conveyance and protection. I have the honor etc.¹²

12. The draft is in the writing of James McHenry.

To SIR HENRY CLINTON

Head Quarters, Middle Brook, March 14, 1779.

Sir: It is much to be regretted that all the attempts which have been made to establish some general and adequate rule for the exchange of prisoners, have hitherto been ineffectual. In a matter of so great importance, too much pains cannot be taken to surmount the obstacles that lie in its way, and to bring it to a satisfactory issue. With an earnest desire to effect this The Honorable The Congress have again authorised me to propose the settlement of a general Cartel, and to appoint Commissioners with full powers for that purpose.²⁷ This proposition, in obedience to their order, I now make; and if it should meet with your concurrence, I shall be ready to send Commissioners to meet others on your part, at such time and place as shall be judged convenient.

That the present attempt may not prove as unsuccessful as former ones, it is to be hoped, if there is a meeting of Commissioners that the Gentlemen on both sides,

27. See *Journals of the Continental Congress*, Mar. 5, 1779.

apprized of the difficulties which have occurred, and with a liberal attention to the circumstances of the parties, will come disposed to accommodate their negotiations to them and to level all unnecessary obstructions to the completion of the treaty.²⁸ I have the honor, etc.²⁹

To CAPTAIN DONALD CAMPBELL⁴⁶

Head Quarters, March 28, 1779.

Sir: It gives me real concern, that any officer under my command, should, have so far mistaken the spirit of his orders, as to infringe those privileges, to which every gentleman under your description is entitled.

But before my receiving your letter of the 10th. inst., and previous to any knowledge of the transaction, I had accepted Mr. Conway's⁴⁷ resignation and he retired from the army.

However, I have taken measures to procure a restitution of the Goods; but as the success is uncertain, Mr. Conway being removed from my jurisdiction, you will be pleased to furnish me with the

28. After the word "treaty" the following is crossed out: "in which the interests of both armies as well as of humanity are essentially concerned."

29. The draft is in the writing of Alexander Hamilton.

46. Of the Seventy-fourth Foot, British Army.

47. Capt. Henry Conway, of the Tenth Virginia Regiment. He resigned in March, 1779.

amount of the articles which he seized, that I may direct the money to be transmitted, least any circumstances should put it out of my power to regain them I am, &ca.⁴⁸

To SIR HENRY CLINTON

Head Quarters, April 4, 1779.

Sir: I had not the Honor to receive Your Excellency's Letter of the 31st. Ulto., before Yesterday evening. From this circumstance and some others that have occurred, I am sorry to inform you, that the proposed meeting of Commissioners cannot take place, at so early a day as you have mentioned. I am under the necessity of requesting that it may be deferred 'till Monday the 12th.

Instant, when Col. Davies and Lt. Col. Harrison will Meet Colo. Hyde⁹⁵ and Captn. Andr ⁹⁶ at Amboy in the forenoon. Those Gentlemen, I am persuaded, will enter upon business with the most liberal and generous dispositions; and, from thence I am happy to conceive with you, the most favourable expectations. You will however suffer me to observe, that, should the intended negotiation answer our wishes, yet it will not flow from that partiality which you have been pleased to

48. The draft is in the writing of James McHenry.

95. Col. West Hyde, of the First Foot Guards, British Army.

96. Maj. John Lewis Andr , who was aide to Sir Henry Clinton and adjutant general of the British Army in America.

suppose.⁹⁷

Our Commissary of Prisoners will attend at Amboy during the Commission, and I shall also order an escort consisting of an Officer and Six Dragoons. I have the Honor etc.

To CAPTAIN DONALD CAMPBELL⁶⁵

Head Quarters, Middlebrook, May 10, 1779.

Sir: Mr. Conway⁶⁶ has got too far beyond my reach to recover you the articles he seized. I have therefore sent you by Mr. Beatty commissary general of Prisoners their amount in specie, agreeable to the account you transmitted in your letter of the 6th. Ultimo.

I thank you for putting it in my power to render you this justice; and am, etc.⁶⁷

Account £4.19/. Sterling.

97. "I am happy to find the direction of this Affair is now entirely reposed in Military hands; as I can from thence augur the same liberality of Negotiation on the part of Your Commissioners, which I trust you will find on Ours."— *Sir Henry Clinton to Washington*, Mar. 31, 1779. Clinton's letter is in the *Washington Papers*.

65. A Convention prisoner of the Seventy-fourth Foot, British Army.

66. Capt. Henry(?) Conway, of the Dutchess County (N. Y.) militia.

67. The draft is in the writing of James McHenry.

To MAJOR JUSTUS CHRISTOPH DE MEIBOM³³

Head Quarters, Middle Brook, May 15, 1779.

Sir: I am sorry that I cannot at this moment grant your request for an officer to go into New York. But I shall pay a particular attention to any letter which you may write relative to the obtaining a present supply of money; and order the commissary of Prisoners, Mr. Beatty, to transfer whatever return may be made to your application. I am, &ca.³⁴

To MAJOR HENRY HARNAGE

Head Quarters, June 11, 1779.

Sir: Want of leisure prevented my acknowledging sooner the receipt of your letter of the 28th of May. I shall be always happy to show you every attention, which circumstances will permit, during your residence among us; and I sincerely wish you the speediest relief from your present difficulties.

You may depend on having the earliest notice

33. Of Baum' s Brunswick Dragoons, German allied troops.

34. The draft is in the writing of James McHenry.

of your exchange, when it takes place; but I am sorry to inform you, no return has yet been made for any of the invalids of the convention troops which have been sent into New York.

I beg the favor of you to present my respects to Mrs. Harnage and assure her of my best wishes for the restoration of her health. I am, etc.²⁶

26. The draft is in the writing of Alexander Hamilton.

On June 11 Washington wrote a pass for "Mrs. Hay and Phineas Herd to pass all Continental and other Guards on her way to Kakeat. The Horsemen who Escort Mrs. Hay is to return unmolested." A facsimile of this letter was kindly furnished by Emanuel Hertz, of New York City. Heard (Herd) was a captain of the Cornwall Militia Light Horse.

To JAMES HALLET¹⁷

West point, July 22, 1779.

Sir: I have received Your Letters of the 10th and 12th. Instant, both of the same tenor, with a Certificate and the Copies of Two more. I know nothing myself of your merits or demerits; but if reports are true, your conduct has been very unwarrantable to say no worse. You should make your appeal to the Honorable the Marine Committee, or the Honbl the Board of War for a hearing, before whom or persons properly authorised for the purpose your case will be examined, and when you will have every opportunity in your power to make your defence and evince your innocence in case you are not guilty of the matter's objected against you.

I return you the Certificates which you transmitted, that you may derive every advantage from them that they can give you. I am, etc.¹⁶

To SIR HENRY CLINTON

Head Quarters, West Point, August 25, 1779.

Sir: I have the honor to inclose the copy of a letter from Major General Heath accompanied by a report from Captain Haywood,⁴⁰ (lately sent by him with a flag to your Lines) representing the treatment

17. In the Pennsylvania State prison, Philadelphia.

16. The draft is in the writing of Robert Hanson Harrison.

40. Capt. Abner Haywood (Hayward), of the Second Massachusetts Regiment. He resigned in May, 1781.

he met with from Colonel Wurmb, the commanding officer.

Persuaded that you will reprobate so gross a violation of a flag, I have no doubt that you will take effectual measures to discountenance the indecent irregularity of Colonel Wurmb's behaviour and prevent a similar instance hereafter.⁴¹ I have the honor, etc.⁴²

41. Clinton's answer of September 29 inclosed Lieut. Col. Ludwig J. Adolph von Wurmb's report (September 7), which gave as his reason for arresting the flag and the threats uttered, that the flag consisted of two men, one "in a blue coat and white cuffs, and another very indifferently dress'd. One of them had a white handkerchief tied to a little stick, and there was neither a Trumpeter, nor a Drummer, and still less any military escort with them." Wurmb objected to what he called this irregular manner of sending a flag and considered its purpose, "to ask, whether a certain woman would be allowed to go to New York" too trivial to justify a flag of truce. Clinton's letter is in the *Washington Papers*.

42. The draft is in the writing of Alexander Hamilton.

To MRS. HONOUR HARNAGE

Head Quarters, West-point, September 13, 1779.

Madam: I have been honored with your letter of the 25th. of August.

You will believe me, that my wishes and endeavours have been uniformly directed, to remove those obstacles, which stood in the way of a general exchange of prisoners. I have only to regret their having heretofore proved unsuccessful. There is now a meeting of the respective commissaries of prisoners at Elizabeth Town, which I flatter myself will be attended with better fortune. But in case a general exchange cannot be effected my commissary has been particularly instructed to propose Major Harnage and Capn Hawker for a parole exchange.

I shall inclose your letter to his Excellency Sir Henry Clinton by the first flag to his lines, which I suppose will be to-morrow. I am, etc.⁴³

The draft is in the writing of James McHenry.

To SIR HENRY CLINTON

Head Quarters, West-point, September 14, 1779.

Sir: You will herewith find a passport for the safe

conveyance of the money and necessaries for the use of the Troops of Convention, which your Excellency requested in your letter of the 8th instant.

I inclose the within letter at the desire of Mrs. Harnage. I have the honor, etc.⁶¹

MARINE PASSPORT

Head Quarters, West point, September 14, 1779.

To all whom it may concern. The brigantine Patsey,⁵⁹ about 180 tons burden, Thomas Harding Master laden with 10,000 Sterling in specie and a quantity of wine and other necessaries for the use of the troops of the Convention of Saratoga, now at Charlottesville in Virginia, is hereby granted a passport to Hampton road in Chesepeak bay Virginia, and after being allowed a reasonable time to discharge her Cargo the said Vessel is to return under the protection before recited to the port of New York in ballast. Given under my hand and Seal etc.⁶⁰

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, West-point, September 30, 1779.

Sir: I was honoured with your letter of the 21st.

61. The draft is in the writing of James McHenry.

59. The Varick transcript in the Library of Congress records this vessel as *Betsey*.

60. The draft is in the writing of James McHenry and Tench Tilghman.

yesterday. I am sorry that the business to which it principally relates is likely to be retarded by some obstacles, that have been unnecessarily thrown in the way. Mr. Skinner Deputy Comy of Prisoners who is charged with this letter will inform you what these are. There is nothing I more sincerely desire than to see them removed, and every other impediment to an easy and regular exchange of prisoners. But this cannot be the case, until the *relief of captivity* becomes on both sides the primary and prevailing motive of all transactions in this line. I have the honor, etc.⁷

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, October 10, 1779.

Sir: I have received Your Letters of the 30th. of September and 6th. Instant. I have not been honored with any particular communication of the reasons which induced Congress to pass the Act, for suspending your and General Riedsel's going into New York at this time; but I make no doubt they were such as Congress deemed sufficient, and that they will appear so, whenever they are pleased to make them known.

It gives me great pleasure to find that Mr. Skinner's conduct has been such as to merit your approbation, and I trust while it may be necessary for him to remain with you, that he will do every thing in his power for your accommodation. I am how ever concerned

7. The draft is in the writing of Alexander Hamilton.

that there is one point, in which it appears by your Letter as well as his own, he has proceeded contrary to his Instructions. Bethlem was the place I pointed out for your residence, and it appearing still to me, the most eligible situation, I have directed him to procure you and General Riedsel Quarters there for Yourselves and families. I have the Honor, etc.⁵¹

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, October 20, 1779.

Sir: I have received Your Three Letters of the 10th. Instant and also One of the 12th. With respect to those which regard your and Major General Reidesel's detention and that of the Officers with You,³² must take the liberty to refer you to my letter of the 10th, as an Answer. And as to the several matters of request contained in them, they are such as I neither think myself at liberty to act upon, nor in which I would wish to interfere. The power of granting, or refusing them, is in Congress, who, upon your application, I persuade myself, would give the requests due consideration.

I am sorry to be under the necessity of observing to General Phillips, that no expressions of personal politeness to myself, however flattering, in the Correspondence he may think proper to honor me with, can be acceptable, while they are accompanied with

51. The draft is in the writing of Robert Hanson Harrison.

32. By a resolve of Congress of June 3, 1779, Washington was permitted "as he shall, from time to time, judge beneficial or expedient" to grant parole-exchanges. Under this arrangement Major General Phillips, on the ground of health, and Baron and Baroness Riedesel, their three children and domestics, were permitted to go into New York, in August of 1779. As a result of the dispute over payment by the British for the subsistence of the Convention troops, Congress, on September 28, resolved that the Board of War detain the party. They were therefore stopped at Elizabethtown, N.J., and compelled to return to Bethlehem, Pa., where they stayed until Congress, on November 13, resolved that they be allowed to go in to New York.

insinuations against my superiors. I have the Honor, etc.³³

To BARON VON RIEDESEL

Head Quarters, West-point, October 23, 1779.

Sir: I have had the honor of your letter of the 12th. by Mr. Randolph.

It gives me pleasure to learn that this young gentleman's attentions during the course of your journey, have been such as to deserve your approbation.

I beg leave to refer you to my letter to Major Genl. Philips, for my answer to his request in your favor. I sympathize in the bad state of your health; and very sincerely wish an alteration for the better, and which I would hope from your change of situation. I have the honor, etc.²⁴

To SIR HENRY CLINTON

Head Quarters, November 20, 1779.

Sir: I had the honor on the 16th. Inst. to receive your

33. The draft is in the writing of Robert Hanson Harrison.

24. In the writing of James McHenry. From a photostat of the original kindly furnished by Judge E. A. Armstrong, of Princeton, N. J.

Excellency's Letter of the 9th.

In answer to such parts of it, as respect the matters contained in Mr. Loring's Letter to Mr. Beatty, I beg leave to refer you to the inclosed Copy of his Answer to Mr. Loring.⁶⁷

It will be perfectly agreeable to me, for Mrs Maxwell, the Lady of Lt Maxwell,⁶⁸ to join her Husband in Virginia when an Opportunity offers.

In a Letter I had the honor to receive from His Excellency, the Governor of Rhode Island of the 5th. Instant, he was pleased to inform me that the Records of the Town of Newport and Middletown, by some means had been brought away, in the late evacuation of the Island; and to request that I would communicate the same to Your Excellency and solicit your favor in having them returned. The Governor adds, that they cannot affect in the smallest degree, the political claims of either party, but the loss of them will highly injure many Individuals.

Should your Excellency view the matter in the same point of light, I am persuaded the Records will be restored if they have not been destroyed, or are within your power. In any other view I could not expect it, nor would I in any other be understood to make the request.⁶⁹ I have the Honor, etc.

P.S. The Copy of the Letter alluded to above from Mr. Beatty to Mr. Loring is dated the⁷⁰

67. A copy of Beatty's letter to Loring is not now found in the *Washington Papers*.

68. Lieut. Hamilton Maxwell, of the Thirty-first Foot, British Army.

69. Clinton, apparently, made no effort to return the records, and in August, 1782, the town council of Newport requested Sir Guy Carleton to return the records. After considerable search they were found in New York and returned to Newport on December 14. The vessel on which they had been removed from Newport ran on the rocks in Hell Gate and sunk, with consequent damage to the records. Carleton's letter of November 18, returning the records, is in the Royal Institute manuscripts. The editor is indebted for this information to Miss Annie Minsenberger, assistant librarian of the Newport Historical Society.

70. The draft is in the writing of Robert Hanson Harrison.

To CAPTAIN JAMES RIVERS⁹⁵

Head Quarters, Morristown, December 20, 1779.

Sir: It does not rest with me to enter upon such a parole exchange, as that proposed in your Letter of the 2d. and 21st of Novr. Nor while the obstructions exist, that have been unfortunately thrown in the way of general and partial exchanges, can anything take effect in this line. When these are removed, it will give me pleasure to concur in measures for your exchange and to promote the relief of all those in captivity. I am &ca.⁹⁶

95. Of the Third Battalion, Sixtieth Foot, British Army.

96. The draft is in the writing of James McHenry. Practically the same letter was also sent by McHenry (December 20) to Capt. Patrick Campbell, of the Seventy-first Foot, British Army. McHenry's letter is in the *Washington Papers*.

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, January 2, 1780.

Sir: I had last night the honor to receive your Letter of the 29th. of December. Agreeable to your request I have extended Major Gardiner's parole, as you will perceive by the inclosed, which I take the liberty to commit to your care. I have the honor etc.⁹⁵

To MAJOR VALENTINE GARDINER⁹⁸

Head Quarters, New Jersey, January 2, 1780.

Sir: You have permission to remain in New York untill the return of Colonels Magaw⁹⁹ and Mathews,¹ who are now out with some propositions respecting an exchange of prisoners. I have the honor etc.²

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, January 16, 1780.

Sir: On Friday I received your Letter of the 8th, with a

95. The draft is in the writing of Robert Hanson Harrison.

98. Of the Sixteenth Foot, British Army.

99. Col. Robert Magaw, of the Fifth Pennsylvania Regiment.

1. Col. George Mathews, of the Ninth Virginia Regiment.

2. The draft is in the writing of Robert Hanson Harrison.

duplicate of the One you did me the honor to write on the 29th of December.

So far as they respect the case of Major Gardiner, I refer you to the inclosed Copies of My Letters to you and this Gentleman on the 2d Instant.

I should suppose the Originals will have come to hand before this, as they were sent from hence in a day or two after they were written, with directions for them to be forwarded by a Flag either to Staten Island or to Paulus Hook, as the weather might permit.

The case of Major Harnage and Captain Hawker will in some measure depend on the result of the propositions now under consideration, for a more general exchange. Should their release however not be effected in this way, I shall be happy to contribute as far as it may remain with me, to accommodate matters to the peculiarity of their circumstances. I have taken the earliest occasion to transmit the inclosed packet from His Excellency Governor Jefferson, which I only received to day. I have the Honor, etc.⁸¹

To SIR HENRY CLINTON

Head Quarters, Morris Town, January 19, 1780.

Sir: The severity of the weather has occasioned unavoidable delay to the Gentlemen who came out with the propositions

81. The draft is in the writing of Robert Hanson Harrison.

concerted between Major General Phillips and themselves, which will put it out of their power to complete their business and return in the time limited by their paroles. Persuaded that your Excellency will readily excuse their exceeding their permission a few days, they have taken the liberty three of them to remain 'till they have answered the purpose of their errand; Colonel Magaw returns with an apology for the delay. As this will not detain them but a very little time longer than was originally intended, I flatter myself the present step will not be disagreeable to you. I have the honor, etc.⁹³

93. The draft is in the writing of Alexander Hamilton.

On January 20 Harrison wrote to Maj. Valentine Gardiner, by Washington's direction, giving him permission to remain in New York on parole until February 20. Harrison's letter is in the *Washington Papers*.

To BARON VON KNYPHAUSEN

Head Quarters, February 29, 1780.

Sir: I had not the Honor to receive Your Excellency's Letter of the 19th till Yesterday. The place you have proposed for the meeting of Commissioners is perfectly agreeable to me; but from the delay that has attended the conveyance of your Excellency's Letter, I beg leave to postpone the time of their interview till Thursday the 9th. of March. Amboy will be considered as a Neutral place during their negotiation, and no Troops will be permitted to enter it on my part, except a Commissioned Officer with a Serjeant and Twelve privates, Infantry as Guards.

Major General St. Clair and Lt. Colonels Carrington and Hamilton are the Officers who will be appointed to meet the Gentlemen Your Excellency mentions, as Commissioners, and they will come with full powers to negotiate a General Cartel.

Major General Phillips will be at liberty to bring with him any Officers of his suite that he may think proper. The Commissary General of prisoners on our part will be directed to attend the Commissioners. It will also be necessary that Mr. Pintard Agent for prisoners at New York should communicate with our Commissary to give him information which will be essential in an adjustment of Accounts. I shall be therefore happy if there is no Objection to his repairing to Amboy at the time of the meeting. I have the Honor etc.¹⁷

17. The draft is in the writing of Robert Hanson Harrison.

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, February 29, 1780.

Sir: I yesterday received your Letter of the 21st accompanied by one from His Excellency Lt General Knyphuysen proposing a meeting of Commissioners the 6th. of next Month, at Amboy. Particular reasons have induced me to defer the meeting till the 9th, when three Gentlemen on our part will be authorised to enter upon the business at the place appointed. You have been rightly informed that it is perfectly agreeable to me you should be upon the Commission. I hope it may fully answer the interesting purpose intended.

With pleasure I consent to your bringing with you such gentlemen and others of your suite as you think proper and to your making the little excursions you propose for the benefit of exercise.

Major Gardner¹⁸ has already had permission to remain 'till the result of the negotiation. I have the honor etc.¹⁹

18. Maj. Valentine Gardiner.

19. The draft is in the writing of Alexander Hamilton.

To BARON VON KNYPHAUSEN

Head Quarters, Morris Town, March 27, 1780.

Sir: After the breaking up of the Commission⁸⁶ at Amboy, Mr. Pintard continued within your lines for the purpose of settling his Accounts with the present Commissary General of prisoners who is shortly going out of Office. He yesterday informed me that previous to his leaving Amboy, a parole had been required of him limiting his stay to the 30th. Inst. a period too short to accomplish the purpose above mentioned. I have directed him to remain 'till the Business is finished, but to satisfy his scruples arising from the limitation of his parole, I have thought proper to inform Your Excellency that his continuance is by my direction. At the same time I am persuaded, on considering the matter you will agree with me in opinion, that there was an irregularity in requiring a parole of this nature from a Gentleman acting in a public capacity for us in your lines. Mr. Pintard was sent in by me in January 1777 in character of an Agent for prisoners, and though not formally recognized as such, he was permitted to stay in New York and execute the Office in which he has acted ever since. He cannot therefore be properly subject to a restriction of the kind which has been imposed. I have the honor etc.⁸⁷

86. For exchange of prisoners.

87. The draft is in the writing of Tench Tilghman.

To MRS. MARY AUCHMUTY

Head Quarters, Morristown, April 1, 1780.

Madam: I am pleased to have it in my power to comply with the request in your letter of the 27th of last month.

The commissary of prisoners has received orders to signify to Mr Auchmuty³¹ that he has permission to go into New York for three weeks; and I hope it will reach him in time to see you before your sailing. I am etc.³²

31. Richard Auchmuty.

32. On April 1 McHenry wrote to Commissary John Beatty that Auchmuty had the General's permission to go into New York for three weeks. "You will be pleased to do what is further necessary on the occasion, and inclose him the within letter." McHenry's draft is in the *Washington Papers*.

To BARON VON KNYPHAUSEN

Head Quarters, Morris Town, June 2, 1780.

Sir: I beg leave to acquaint Your Excellency, that Congress have been pleased to empower me, by a late Resolution, to authorize an Agent or Commissary of prisoners to be appointed on your part, to reside in these States, with powers similar to those which may be granted to, and permitted to be exercised by a like Officer appointed by us to reside within your lines. As this is a business very interesting to humanity, and peculiarly so to the prisoners in our respective possessions, it is with great pleasure I make the communication; and it will rest entirely with You, to place the matter on the most liberal footing. Your Excellency has only to inform me, that such an Agent will be allowed on our part to reside with You, and of the powers he will be permitted to exercise, and you will be at liberty to appoint one to reside with us, at any place except Philadelphia, with the same priveledges.

I know that difficulties have attended the overtures which have been made heretofore, to effect this Humane purpose, but I trust they will no longer exist, as the proposition is founded in equality and must be mutually interesting to both parties.

If the proposition I make is agreed to, and on which I request Your Excellency will favour me with an early answer, Mr. Lewis Pintard will immediately return to New York as our Agent: If it is not, Your Excellency will be pleased to permit

Mrs. Pintard and the rest of Mr. Pintard's family to come out, as he does not incline to return unless it is in a public character.

Should Mr. Pintard be allowed to return as our Agent, it is proposed that he shall take with him several sets of Bills of Exchange, with a view of negotiating them for the benefit of Our Officers, who are prisoners. I should hope that this measure will not be objected to, as it is usual in like cases; and as the indulgence has been permitted by us. I shall be obliged by your Excellency's Answer also on this subject. I have the Honor etc.¹⁷

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, June 29, 1780.

Sir: I had the honor of receiving four days since your two letters of the 19th:

With respect to the proposal for your going to Philadelphia to meet Major General Lincoln, I am sorry to inform you that I do not think myself at liberty to comply with it as it would be anticipating a business which probably is as yet only under consideration by Congress. The result of Major General Lincoln's application to them will best determine the line of conduct proper to be

17. The draft is in the writing of Robert Hanson Harrison.

pursued.

As to the propositions in Mr. Loring's letter (copy of which you inclosed me)⁴² I shall instruct my Commissary fully on the subject. I am happy in the prospect of relief which they promise to the prisoners on both sides. I have the honor etc.⁴³

To SIR HENRY CLINTON

Head Quarters, July 5, 1780.

Sir: In Your Excellency's absence from New York I had the honor on the 2d of June to address a Letter to His Excellency General Knyphausen. The final Answer to the propositions it contained being referred to Your Excellency, and as I have not been yet honoured with it, I take occasion to inclose

You a Copy of the Letter and request that You will favour me with your determination on the several points to which it extends. I have the Honor etc.⁷⁹

42. Loring's letter of June 21, addressed to Skinner, proposed on behalf of Sir Henry Clinton, a general exchange of all British, German, and American prisoners. The original is in the *Washington Papers*.

43. The draft as m the writing of Alexander Hamilton.

79. The draft is in the writing of Robert Hanson Harrison.

To SIR HENRY CLINTON

Head Quarters, July 15, 1780.

Sir: Since I had the honor of addressing you on the 5th Inst. Mr. Pintard has requested me to solicit a permission for Mrs. Pintard with her family and Effects to pass from New York to Elizabeth Town. I would hope that this matter may be agreeable to your Excellency and that Mrs. Pintard be furnished with proper passports for the purpose. I have the honor etc.⁵⁷

57. The draft is in the writing of Tench Tilghman.

To SIR HENRY CLINTON

Head Quarters, July 26, 1780.

Sir: I have been duly honoured with Your Excellency's Letter of the 19th Instant, and am pleased to find that the proposition I had the honor of communicating to General Knyphausen, and afterwards to Your Excellency on the 5th of this Month, for mutually appointing agents for prisoners, has met your approbation. I should have been happy if you had delineated in your Letter, your ideas of the powers and restrictions under which they are to act, but not having done it, I beg leave to offer the inclosed propositions on this head for your consideration and to request your Answer to them, as soon as it may be convenient, with any additional ones Your Excellency may think proper to subjoin.

It will be perfectly agreeable for the Agent to be appointed on your part to reside at Lancaster, as Your Excellency has proposed, which will also be made the place of confinement for the privates,

prisoners of War, in our hands, as far as circumstances will reasonably permit. I have the Honor
etc.³⁵

PROPOSITIONS RESPECTING AGENTS FOR PRISONERS

July 26, 1780.

35. The draft is in the writing of Robert Hanson Harrison.

1st. The Respective Agents are to be permitted to visit the prisoners confined where they reside, at least once a week, in the presence of an Officer appointed for the purpose, in order to collect Returns, see that they are regularly served with the provision to which they are entitled; to hear their Complaints if any; and in general to examine into the state of their health, accomodation and wants; all which they may report to the Commander in Chief in whose lines they are, and also to their own Commander in Chief, if they deem it essential. They are to be permitted in like manner and for the same purposes to visit such other prisoners as may be confined at more remote posts, whenever they judge it necessary.

2. The Agents are to be allowed to receive and distribute among the prisoners such provision, Cloathing and necessaries as may be transmitted for their use from time to time. They shall also be at liberty in addition, to purchase those Articles from the Adverse party, and to negotiate Bills of Exchange for the purpose of paying for such purchases, the boad of the Officers, and for their other exigencies.

3. Each Agent to be allowed to dwell by himself, with his family, if he has one, without having any person billeted with him, or being subjected to any impositions whatever, under such general regulations as the Respective Commanders in Chief or Other proper Officers may direct.

4. Each Agent to be at liberty to pass to the Army to which he belongs whenever he may think it necessary for obtaining

supplies for the prisoners or settling his Accounts, subject to the controul however of the Commander in Chief within whose lines he is, in case circumstances should require his being delayed. The Agents upon this and all occasions to consider themselves under parole, not to divulge or do any thing prejudicial to the party with whom they reside.

5. In case of misbehaviour or a charge of misbehaviour in either Agent, on a complaint thereof and request to the Commander in Chief under whom he acts, he shall be recalled and Another appointed.
6. If an Agent should resign or be recalled, he is to be permitted to return with his family and effects, under the sanction of a flag.
7. Each Commander in Chief to be answerable for the good behaviour of the Agent appointed on his part, who shall not intermeddle with public affairs or the politics of the place where he is Resident.
8. The Agents on either side to be secure in their persons and Effects, and to be treated with suitable respect while they continue in office.³⁶

To SIR HENRY CLINTON

Head Quarters, July 26, 1780.

Sir: Your Excellency's despatches on the subject of the Troops of Convention, have been received. I am exceedingly obliged by the favourable sentiments You are pleased to entertain of my disposition

36. A copy, in the writing of Robert Hanson Harrison, is filed with Washington's letter to the President of Congress, Aug. 24, 1780, in the *Papers of the Continental Congress*.

towards prisoners, and I beg leave to assure you, Sir, that I am sensible of the treatment, which those under your direction have generally experienced. There is nothing more contrary to my wishes, than that Men in captivity should suffer the least unnecessary severity or want; and I shall take immediate occasion to transmit a Copy of the Report You inclosed (the truth of which I can neither deny or admit) to the Commandant at Charlotte-ville, with orders to inquire into the facts, and to redress, wherever there may be grievances. At the same time that I will not pretend to controvert the justice of the matters complained of by Mr. Hoaksly,³⁷ (the Report transmitted being the first and only communication I have had with respect to them) I cannot but think the terms of Genl. Phillips's Letter to Your Excellency, rather exceptionable, and that this Gentleman's own experience and good understanding should have led to a more favourable and just interpretation than the one he has been pleased to make upon the occasion. I have the honor etc.³⁸

To CAPTAIN BENJAMIN EDGAR JOEL¹¹

Head Quarters, Orange Town, August 14, 1780.

Sir:

37. The complaint of Robert Hoakesley (Hoakesly, Hoaksley), wagonmaster general, Convention troops, under date of July 12, 1780, is in the *Washington Papers*. His complaint was that the prisoners were not properly supplied with provisions. General Phillip's letter of July 12 to Sir Henry Clinton, a copy of which is in the *Washington Papers*, stated that: "Such Severities and hardships upon the Troops of Convention will force them to disperse and desert, and in doing so quit the abiding by the Treaty of Saratoga, which the Americans perhaps wish to have dissolved. By thus starving as it were the Troops of Convention they, by that means, are driven to seek refuge in the Country or by deserting, to become prisoners of war under the supposition that, in detached and scattered parties, they may be able to procure provisions, which seem to be denied them in a collected Body." Clinton, in forwarding this to Washington, July 19, added'. "You cannot but be informed, Sir, that our conduct towards your Prisoners here is humane and liberal, and I am persuaded your wish must be to maintain this System of Benevolence towards Men who have the misfortune of enduring Captivity." Clinton's letter is in the *Washington Papers*.

38. The draft is in the writing of Robert Hanson Harrison.

11. Formerly in the British Army.

I am to acknowledge the receipt of your two Letters of the 21st. Ult. and the 8th. Instant to the subject of which I have not been able to attend untill the present hour.

Whatever favourable opinion I might entertain of your military abilities and knowledge in your profession or however I might be disposed to foster and cherish Genius and Merit wherever they are discovered; circumstanced as you are; I should not think myself warranted to give you an employment in the Army under my Command.

Altho I do not conceive it expedient, from a variety of considerations which must occur to every one, for you to engage in the service of the United States; yet I have given directions to the Board of War for your immediate liberation from the restraint of which you complain. I am etc.¹²

To SIR HENRY CLINTON

Head Quarters, August 26, 1780.

Sir: In a letter I have lately received from Major General Lincoln, he transmitted the inclosed for Your Excellency, which I have taken an early opportunity of forwarding. I find by General Lincoln's letter to myself, that he proposes to meet General

12. The draft is in the writing of David Humphreys.

Phillips on the 12th. of next Month at Elizabeth Town, which will be perfectly agreeable to me. I shall direct our Commissary of Prisoners to be there at the same time, who will be instructed to execute with the Commissary on your part, if Your Excellency shall think proper to send him, an exchange of Officers Prisoners of War, on the footing of equal rank or composition as far as the number in our hands will admit, and to include also the whole of the Officers of Convention now on Parole at New York or in Europe. I wish the Measure may meet your approbation, as it will afford relief to many individuals.

On the 26th Ulto. I had the honor of addressing Your Excellency and of inclosing some propositions relative to the agents to be appointed for Prisoners, to which I have not been favoured with your answer. I shall be happy to receive it. I have the honor etc.⁴

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, August 28, 1780.

Sir: I have received the honor of Your Letter of the 23d Instant, and have duly observed its Contents.

I have no power to grant the permission you

4. The draft is in the writing of Richard Kidder Meade.

request in favor of the Convention Officers on parole in New York, either as it respects them under your more general description, or the Four Gentlemen in whose behalf You more particularly interest Yourself. The permission can only be granted by Congress. At the same time it is entirely in the power of Sir Henry Clinton to place the whole or *any part* of these Officers and I should hope he

will do it, in a situation to make the visit they wish, by finally exchanging them for an equal number of their rank, which I shall most readily consent to, whenever he is disposed to the measure, and against which it seems to me there can be no greater Objection than to his agreeing to their going to Europe on parole. In either case the separation from their Men would be equal, which has been generally considered as a principle obstacle.

As to what You observe with respect to the Officers having a claim to the indulgence requested; I can only say that however desirous the Gentlemen may be of it I might be disposed to grant it if I had authority, they cannot ask it as a matter of right, in consequence of anything transacted at Amboy between the Commissioners, or from the applications on which they were permitted to go into New York. In the first case there was nothing definitive done respecting the point and in the second, the Officers will remember that their applications in most instances, and the permissions in All were meant to extend to New York and no farther, and I am certain that the Gentlemen

will govern themselves accordingly, however incautious or negligent the persons may have been who took written engagements from them, in not specifying the restriction; and also that You would not countenance in the most distant degree, a different conduct. I have the honor etc.²⁵

To LIEUTENANT GENERAL FREDERICK HALDIMAND⁴⁶

Head Quarters, near Hudson's River, August 30, 1780.

Sir: I think it my duty to inform Your Excellency that it has been represented to me, that several American Officers, who are your prisoners, are suffering a close and rigorous confinement in the Jails of Quebec, without any good reason to warrant such treatment. I will not pretend to decide these facts are authentic, as they have not come to me in such a way as is intirely satisfactory, and as they are opposed to that humanity and liberality of character which I have always supposed Your Excellency to possess. They have however been so represented that I could not but make the communication, as well in justice to You as to the Officers of Colo Warner's Regiment who are mentioned as the parties suffering; and I will not doubt it will have your attention, and that these and All

25. The draft is in the writing of Robert Hanson Harrison.

46. British commander in chief in Canada.

Others prisoners under your direction, will receive a treatment consistent with their rank, and the principles of humanity. And as the Officers and Soldiers, who are prisoners in Your hands are very remote from their friends and the means of support, I would submit it to You, whether they might not be sent to New York to Sir Henry Clinton with proper Lists, where they will be exchanged in the due order of their capture with respect to the Other prisoners in his possession. I do not perceive that any inconvenience to You can result from the measure or I would not propose it, especially when I add, that if the prisoners are retaken or lost at Sea in their passage, they shall be duly accounted for in the order of exchange. I have the Honor etc.⁴⁷

To SIR HENRY CLINTON

Head Quarters, September 11, 1780.

Sir: I beg leave to inform Your Excellency that We are desirous of sending a small Vessel from Philadelphia to Charles Town, with some Articles of Cloathing and Medicine and also a quantity of flour for the prisoners there in your possession. I have to request that You will be so obliging as to furnish,

47. The draft is in the writing of Robert Hanson Harrison.

by an early opportunity, a permit for this purpose and for the safe return of the Vessel. The Vessel is a Schooner called the Blazing Starr; burthen about Ten Tons, Thomas Smith Sailing Master, Charles McCarthy Flag Master and Two private Seamen. I have the Honor etc.⁵¹

To SIR HENRY CLINTON

Head Quarters, September 17, 1780.

Sir: I have the honor to inclose you a Letter from Governor Burt, of Antigua to General Provost, relative to the exchange of John Burke, Esq, of that Island, for Lieut Morris of the Georgia Artillery. Should the proposed exchange be agreeable to Your Excellency, I will, on your communicating the same, transmit a release for Mr Burke, discharging him from any obligation of parole he may have entered into after he was captured, and previous to his returning to the West Indies. I have the Honor etc.⁹

51. The draft is in the writing of Robert Hanson Harrison.

9. The draft is in the writing of Robert Hanson Harrison.

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, September 16, 1780.

Sir: I last night received Your Letter of the 11th. and am happy to find that You are recovered from your indisposition.

In my Letter of the 28th August to which You refer, I did not determine whether the paroles You described could or could not take place; but only that I had no power to grant them Myself. I sincerely wish however, as I did then, that the Officers could be exchanged and I hope it will be the case. This would remove every difficulty and give relief to Many Individuals on both sides.

You will be at perfect liberty to bring with You at the propose interview between Yourself and Major General Lincoln Any part of your family You think proper. The Officer at Elizabeth Town will be informed of your meeting and that the Flag Vessel is to be under the sanction of a truce while coming and returning and during the interview. I have the Honor etc.⁹⁶

96. The draft is in the writing of Robert Hanson Harrison.

To SIR HENRY CLINTON

Head Quarters, September 30, 1780.

Sir: In answer to Your Excellency's Letter of the 26th Instant, which I had the honor to receive, I am to inform You, that Major André was taken under such circumstances as would have justified the most summary proceedings against him. I determined however to refer his case to the examination and decision of a Board of General Officers, who have reported, on his free and voluntary confession and Letters; "That he came on Shore from the Vulture Sloop of war in the night of the Twenty first of September Instant on an interview with General Arnold in a private and secret manner.

Secondly that he changed his dress within our lines, and under a reigned name and in a disguised habit passed our Works at Stoney and Verplanks points the Evening of the Twenty second of

September Instant, and was taken the morning of the Twenty third of September Instant, at Tarry Town, in a disguised habit, being then on his way to New York, and when taken he had in his possession Several papers which contained intelligence for the Enemy."

The Board having maturely considered these Facts do also report to His Excellency General Washington, that Major André Adjutant General to the British Army ought to be considered as a Spy from the Enemy, and that agreeable to the Law and usage of Nations it is their opinion he ought to suffer death"⁷⁶

From these proceedings it is evident Major André was employed in the execution of measures very foreign to the Objects of Flags of truce and such as they were never meant to authorise or countenance in the most distant degree; and this Gentleman

76. The proceedings of the Board of General Officers, dated Sept. 29, 1780, are in the *Washington Papers*.

confessed with the greatest candor in the course of his examination, "that it was impossible for him to suppose he came on shore under the sanction of a Flag." I have the Honor etc.⁷⁷

To LIEUTENANT GENERAL JAMES ROBERTSON

Tappan, September 30, 1780.

Sir: I have just received your letter of the 29th. Any delay which may attend your flags has proceeded from accident and the peculiar circumstances of the occasion not from intentional neglect or violation. The letter that admitted of an answer has received one as early as it could be given with propriety, transmitted by a flag this morning. As to messages, I am uninformed of any that have been sent.

The necessities for Major André will be delivered to him agreeable to your request. I am etc.⁷⁵

To SIR HENRY CLINTON

Head Quarters, October 6, 1780.

Sir:

77. Copy of this letter is in the writing of Robert Hanson Harrison.

75. The draft is in the writing of Alexander Hamilton.

Congress having received information that there were good Grounds to believe that a number of respectable Citizens of south Carolina, prisoners of War by the Capitulation of Charles town, had been seized upon and confined on board a ship of War, have directed me to enquire of your Excellency whether such Arrests and confinement have been made and for what Reasons. You will oblige me by making the communication as soon as convenient.⁶ I have the honor etc.⁵

To SIR HENRY CLINTON

Head Quarters, October 7, 1780.

Sir: I find by the Report of our Commissary of prisoners, of the proceedings which lately took place between him and Mr Loring at Elizabeth Town, on the 21st Ultio; he was willing on the part of Your Excellency to accede substantially to my propositions respecting an exchange of Officers, provided the exchange should be extended to the privates, prisoners of War then in your hands at New York. This is perfectly agreeable to me, and I have accordingly directed our Commissary to take the most effectual and immediate measures, to carry into execution, as well the exchange of those privates, as of the Officers. I have the honor etc.¹⁸

6. Clinton answered (October 9) that he had heard the report that several of the Charleston citizens had plotted "the destruction of the place where they were protected.... But as I am well acquainted with Lord Cornwallis's humanity, I cannot entertain the least apprehension that he will stain the lustre of the King's Arms by Acts of Cruelty." Clinton's letter is in the *Washington Papers*.

5. The draft is in the writing of Tench Tilghman.

18. The draft is in the writing of Robert Hanson Harrison.

To SIR HENRY CLINTON

Head Quarters, October 16, 1780.

Sir: I have received your two letters of the 9th. and 13th.

On the same principle upon which that of the 9th. is founded, it has been my endeavour to conduct the correspondence between us on the terms which politeness and the nature of the intercourse demanded. In the affair to which you alluded, I persuade myself all the attentions were observed, which the peculiarity of the circumstances would justify.

In my letter of the 6th. Ult. I barely made an inquiry about the persons who are the subject of it; I stated no particular report much less the one you mention of a supposed plot for the destruction of Charles Town, which I cannot but believe, will on investigation appear as ill founded, as it does to me, in the present situation of things, improbable. I wish I could agree in opinion with you on the spirit which actuates your Officers in the Southern command; but I must conceive the inclosed intercepted letters of Lord Cornwallis and Lord Rawdon breathe a very different temper.¹ They not only profess a flagrant breach of the Capitulation of Charles Town and a violation of the laws of nations; but under whatever forced description the unhappy objects of the severity are placed, it is in a form and carried to an extreme, at which humanity revolts. I flatter

1. For Cornwallis's letter to Lieutenant Colonel Balfour, dated August, 1780, see Washington's letter to Gov. Thomas Jefferson, Oct. 10, 1780. Francis Lord Rawdon's letter is dated July 1 and was to Maj. Henry Rugely. Rawdon wrote that the utmost severity would be used with those inhabitants who assisted British deserters in any way. "The Persons so offending may assure themselves of vigorous punishment; either by Whipping, Imprisonment, or by being sent to serve his Majesty in the West Indies, according as I shall think the degree of criminality may require. ...I will give the Inhabitants Ten Guineas for the Head of any Deserter belonging to the Volunteers of Ireland; and Five Guineas only, if they bring him in alive. They shall likewise be rewarded (tho' not to that amount) for such Deserters as they may secure belonging to any other Regiment." Rawdon's letter is in the *Washington Papers*.

myself you will interpose your authority and influence to prevent a prosecution of measures, which cannot fail to aggravate the rigors of war and involve the most disagreeable consequences.

Major General Philips in his letter in consequence of your orders proposes an interview between himself and General Lincoln or some other officer, for the settlement of the intended exchanges, but as the business is I apprehend too simple and too desireable on both sides to admit of difficulty, I think the meeting of the Commys. will answer every purpose. I shall extend the instructions given to

mine to your last proposition in favour of Major Generals Phillips and Reidesel with their families. I am etc.²

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, Prackness, October 31 1780.

Sir: I have received your letter of the 23d. and have

2. The draft is in the writing of Alexander Hamilton.

directed my Commissary of Prisoners to accede to the exchange of the two Brigadiers you mention, on terms which I have pointed out to him and conformable to his former instructions.

I have sent an order to the Commanding officer at Albemarle barracks³³ for expediting the coming on of those Gentlemen to Elizabeth Town as you propose. I have the honor etc.³⁴

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, November 9, 1780.

Sir: I had the honor of receiving your favor of the 4th. by Mr. Commissary Skinner, who reported to me the exchanges of the Officers and privates which had been carried finally into effect by him and Mr. Loring, and laid before me proposals of exchanging a further number of the Officers and Staff of the Convention Troops for the like number of ours, on equality of Rank, or by composition, where that would not apply. I have acceded to these propositions, and orders are gone to permit the Gentlemen interested in the exchange immediately to repair to Elizabeth Town. I have forwarded all the letters committed to my care by the same Express.

33. At Charlottesville, Va.

34. The draft is in the writing of Alexander Hamilton.

I have given Mr. Skinner directions on the subject of the other propositions.

As soon as I am informed of the name of the Vessel intended for Virginia, and other particulars requisite, I will grant passports for her. If she is to return to New York, you will be pleased to mention it, that the passports may be made out accordingly. I have the honor etc.⁵⁸

To SIR HENRY CLINTON

Head Quarters, November 16, 1780.

Sir: I have to request a passport for the Sloop Carolina Packet, Burthen eighty Tons, John Durry sailing master; Sheftall Sheftall Flag Master, one Mate and six seamen, from the Port of Philada. to Charles town in South Carolina, laden with provision and Cloathing for the American troops prisoners of War there; and also a permit for her return to the port of Philada.

I have likewise to request, if it be agreeable to your Excellency, that Mrs. Mary Mathews, with two Black servants named Simon and Kate, may have permission to go to Charles town in the above Vessel. Mrs. Mathews would

58. The draft is in the writing of Tench Tilghman.

wish to be allowed to return to Philada, when she has transacted the business upon which she is desirous of going, and which I am assured is merely of a private nature; but as she does not think it can be accomplished by the time the Sloop Carolina packet will return, it will be conferring a very great obligation upon the Lady, would your Excellency signify your consent to her taking some other opportunity for that purpose. Should you deem it inexpedient to grant Mrs. Mathews's request in its full extent, you may perhaps not think it improper to assent to the first part of it only. I have the honor etc.¹⁰

To SIR HENRY CLINTON

Head Quarters, November 20, 1780.

Sir: I am authorised by Congress to propose a meeting of Commissioners for the purpose of effecting an exchange of all Continental prisoners of war, now in your possession and of the hostages given in Canada, as well as of all officers on parole and officers violators of parole, and Militia, actually taken in arms and remaining prisoners of war, for an equal number of The

Convention troops, and other prisoners in our hands, rank for rank, and where similar rank will not apply

10. The draft is in the writing of Tench Tilghman.

to pursue the exchange on the footing of composition, according to the valuation or tariff agreed on by the Commissioners at Amboy in march last. In this business will of course come into contemplation an equitable adjustment and payment of the accounts of the Convention troops. I think it necessary to apprise you of this circumstance, that there may be no misapprehension, and that if the Commissioners meet they may come cloathed with proper powers to render the meeting effectual. I request your speedy answer; after which the time and place of meeting may be regulated.

I beg leave to recall your Excellency's attention to my letter of the 15th of September⁴² proposing an exchange of Lt Morris of the Georgia Artillery for Mr Burke of the Island of Antigua; to which you have not yet favoured me with an answer.

To the application in behalf of Mrs. Mathews, I take the liberty to add another for a similar permission to Miss Anne Sarah Camber in the same vessel. I am etc.⁴³

To REVEREND H. ADDISON

Morris Town, November 29, 1780.

Sir:

42. Sept. 17, 1780.

43. The draft is in the writing of Alexander Hamilton.

Being accidentally at this place, I met your letter of the 17th: here, this day.

Should you obtain the permission which you have requested of the Governor of Maryland, that will be sufficient to convey you safely through the posts of the American Army; as the Officers commanding at them have directions to pay obedience, at all times, to the Acts of the Executive powers of any of the States. I am etc.²⁹

To SIR HENRY CLINTON

Head Quarters, December 9, 1780.

Sir: I have received your favr. of the 29th. November by Brigr. Genl. Irvine and the Officers who accompanied him. As you have proposed that all accounts respecting prisoners of War from the commencement of the dispute to the present time, as well as the accounts of the troops of Convention shall be adjusted by the Commissioners when they meet, I have written to Congress on the subject, and have desired them to give directions to have the accounts collected and arranged and as this must take up a considerable length of time, I think it needless to name Commissioners before a time can be fixed upon, with

29. The draft is in the writing of Tench Tilghman.

some degree of certainty, for their meeting.

Under the powers, with which I am at present vested, I am not at liberty to accede to the exchange of a division of the Convention troops for the remainder of our Officers upon Long Island, previous to the settlement of Accounts.

I have, by this opportunity, transmitted Genl. Phillips the passports for the Flag Ship General de Reidesel. I only waited for the particular description of the Vessel, Master &c. with which I was furnished by Genl. Phillips in a letter from him of the 30th last Month.

I have informed Lieut. Morris that he is released from his parole and your Excellency will be pleased to signify to Governor Burr of Antigua that Mr. Burke is also at liberty. I am etc.⁷⁰

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, December 9, 1780.

Sir: I had the honor of receiving your favr. of the 30th. November by Brigr. Genl. Irvine. Inclosed you will find a passport for the Ship General de Reidesel, made out agreeable to the form and terms which you requested. I have the honor etc.⁶⁹

70. The draft is in the writing of Tench Tilghman.

69. The draft is in the writing of Tench Tilghman.

MARINE PASSPORT

Head Quarters, New Windsor, December 9, 1780.

By His Excellency George Washington Esqr. General and Commander in chief of the Forces of the United States of America.

Permission is hereby granted for the Ship General de Reidesel, about 180 Tons Burthen: William Boyes Master, James Bailie Mate and fourteen Seamen, to proceed as a Flag of truce from the Port of New York to James River in Virginia, laden with Stores and Refreshments for the Troops of Convention. Permission is likewise granted to Capt. Gerlach,⁷¹ Lieut. Herstale,⁷² Corporal Fitch, Bernard Kageler and Johan Jacob Buchner, privates; Mr. Commissary Hoaksley,⁷³ Mr. Richard Brasil, Clerk; Conductor Reily, and Serjeant Mudd, to proceed in the said Vessel to take charge of the British and German Stores.

The Ship, after having discharged her Stores and waited a reasonable time for the persons who conduct them to Charlotteville, is to be permitted to return to the Port of New York as a Flag with the passengers abovenamed.⁷⁰

71. Capt. H. Gerlach, deputy quartermaster general, Brunswick troops.

72. Lieut. — von Hartstall(?), of the Regiment Buenau, German allied troops, British Army.

73. Robert Hoakesley. He was wagonmaster general, Convention troops, and merchant of Yorktown, Va.

70. The draft is in the writing of Tench Tilghman.

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, New Windsor, December 13, 1780.

Sir: I have recd. your favr. of the 8th. proposing the final exchange of Governor Hamilton, or an extention of his parole to Europe. That Gentleman being considered as a prisoner to the state of Virginia and therefore solely at the disposal of the Executive Authority thereof, I do not conceive myself at liberty to enter into any negotiation upon the subject. You will oblige me by informing Governor Hamilton of this, he having written to me on the same Business. Major Hay is also considered as a prisoner to the state of Virginia, and at their disposal also. I have the honor etc.⁶

6. The draft is in the writing of Tench Tilghman.

To MRS. ELIZABETH FERGUSON

Head Quarters, October 1, 1777.

Madam: I wish I could with propriety grant the request contained in yours of the 29th. Septr. A permission for Mr. Ferguson²⁹ to come out and remain at Greene Park thirty days, implies his intent to return at the expiration of that time into the Quarters of the Enemy. I confess it appears to me very odd, that a Gentleman who has been so long absent from his family should wish to remain so short a time with them. Whatever might be my private inclination to indulge you, my duty obliges me, on this occasion, to refuse a compliance with your wishes on the terms proposed. I am, etc.³⁰

To SIR HENRY CLINTON

Head Quarters, September 16, 1778.

Sir: I transmit you the inclosed Copies of sundry Resolutions of Congress, by their order, and take the liberty to request your Answer to the last of them, on the subjects of passports by the earliest opportunity.⁸⁷

I was much concerned to hear, that One of my patrols

29. Henry Hugh Ferguson.

30. The draft is in the writing of Tench Tilghman.

87. These were the resolves of September 11, requesting Clinton to furnish passports for American vessels to transport provisions and fuel to the Convention prisoners at Boston under penalty of said prisoners being removed to some other part of the United States for their more convenient subsistence. The resolves of January 13 and September 4 on this and other matters relative to the Convention prisoners were also inclosed.

fired on a Flag coming from your lines on Monday Evening. I shall do every thing in my power to prevent the like mistake on any future occasion. With due respect, I have the honor etc.⁸⁸

88. The draft is in the writing of Robert Hanson Harrison.

On September 16 Washington also wrote to the British Peace Commissioners (Earl Carlisle, Sir Henry Clinton, and William Eden), transmitting the resolve of Congress of September 4 respecting the ratification of the Saratoga Convention by Great Britain.

To MRS. ANN ROBINSON

Head Quarters, West-point, October 27, 1779.

Madam: I have received your letter of the 18th of last month relative to the Slave which Col. Morgan had secured.

The Col. is now in Virginia, I have however written to him on the subject, and hope it will be attended with her restitution I am, etc.⁶³

63. The draft is in the writing of James McHenry.

To CAPTAIN WILLIAM JOHN DARBY²

Head Quarters, Morristown, December 21, 1779.

Sir: I wish it were in my power to give a satisfactory answer to your letter of the 4th of Novr. unfortunately certain obstructions have been thrown in the way of both general and particular

exchanges, which must prevent anything from taking place in your favor. When these are removed it will give me pleasure to concur in measures for your relief or exchange. I am &c.³

2. Of the Seventeenth Foot, British Army.

3. The draft is in the writing of James McHenry.

To SIR HENRY CLINTON

Head Quarters, October 21, 1780.

Sir: In answer to my proposals for a resident Commissary with the respective Armies, Major General Philips has transmitted me another sett of proposals substantially the same, except that they require these Commissaries to be appointed by the Commanders in Chief, each by his own authority. It is impossible for me to enter into such an agreement, as I have no power to act but by a derived authority from Congress, and all my Stipulations necessarily suppose this. I now send a new set of proposals, under the only form admissible on my part, which, if agreeable to Your Excellency, we will sign and interchange. I shall be glad to receive your determination as speedily as possible, and I hope there will be found no unnecessary impediments to a business, in which the convenience and accommodation of the prisoners on both sides are so much interested.⁵⁶ I am etc.⁵⁷

56. Sir Henry Clinton replied (November 4): "I shall have no Objection to receive a Commissary of Prisoners to reside at New York under a Commission or Warrant signed by You. Neither have I any Objection to the Proposals; and the Matter may be concluded upon whenever You Clause." Clinton's letter is in the *Washington Papers*.

57. In the writing of Tench Tilghman. Filed with the letter from Washington to the President of Congress, Oct. 15, 1780, in the *Papers of the Continental Congress*.

PROPOSITIONS RESPECTING THE AGENTS TO BE APPOINTED FOR PRISONERS

[October 21, 1780.]

1st: The respective Agents are to be permitted to visit the prisoners confined where they reside, at least once a Week, in the presence of an Officer appointed for the purpose, in order to collect

returns; see that they are regularly served with provisions to which they are intitled; to hear their complaints if any; and in general to examine into the state of their health, accommodation or wants; all which, they may report to the Commander in Chief in whose Lines they are, and also to their own Commander in Chief, if they deem it essential. They are to be permitted, in like manner, and for the same purposes, to visit such other prisoners, as may be confined at more remote posts whenever they judge it necessary.

2d: The Agents are to be allowed to receive and distribute among the prisoners, such provision, Cloathing and Necessaries as may be transmitted for their use from time to time; they shall also be at liberty in addition to purchase these Articles from the adverse party, and to negotiate Bills of Exchange for the purpose of paying for such purchases; The Board of the Officers, and for their own Exigencies.

3d: Each Agent to be allowed to dwell by himself, with his family if he has one, without having any person billeted with him or being subjected to any impositions whatever, under such general regulations as the respective Commanders in Chief or other proper Officers may direct.

4th: Each Agent to be at liberty to pass to the Army to which he belongs, whenever he may think it necessary for obtaining supplies for the prisoners, or settling his accounts, subject to the controul however of the Commander in Chief within whose Lines he is, in case circumstances should require his being delayed. The Agents upon this and all occasions to consider themselves under parole not to divulge or do any thing prejudicial to the party with whom they reside.

5th: In case of misbehaviour, or a charge of misbehaviour in either Agent, on a complaint thereof, and request to the Commander in Chief under whom he acts, he shall be recalled and another appointed.

6th: If an Agent should resign or be recalled, he is to be permitted to return with his family and effects under the sanction of a Flag.

7th. Each Commander in Chief to be answerable for the good Behaviour of the Agent appointed on his part, who shall not intermeddle with public Affairs or the politics of the place where he is Resident.

8th: The Agents on either side to be secure in their persons and Effects and to be treated with suitable respect while they continue in Office.⁵⁸

58. The draft is in the writing of Tench Tilghman. Cf. the "Propositions" of July 26, 1780.

To MAJOR GENERAL WILLIAM PHILLIPS

Head Quarters, New Windsor, January 8, 1781.

Sir: I have received your favors of the 18th: and 23d.

of December. Soon after the Passports for the Flag ship were sent to you I was informed by the Governor of Virginia that there had been a necessity of removing the British troops of Convention to Fort Frederick in Maryland, I therefore in answer to his letter, desired him to give permission to the ship, upon her arrival in James River, to proceed with the Stores for the British, to such other place in the Chesapeake as would be most convenient to transport them from to Fort Frederick.

As to the propositions contained in your letter of the 23d. of Decemr. I can only say, that I am not at liberty to go into further exchange of the troops of Convention before there is an adjustment of the debt incurred for their support. I have the honor etc.¹³

To SIR HENRY CLINTON

New Windsor, January 25, 1781.

Sir: Major General Phillips in a letter of the 23d. of december transmits a list of officers of the Convention troops whom he wishes to be sent into New York to be exchanged for an equivalent of our officers in your hands. I am now authorized to comply with this proposal and have dispatched an order accordingly for permitting the Gentlemen named to proceed to Elizabeth Town.

13. The draft is in the writing of Tench Tilghman.

General Philips requests an unlimited permission to be given for sending in for exchange any officers whom General Hamilton shall nominate but as this mode would have some inconveniences, though it will be attended with a little more delay, it appears preferable that the business should be transacted in its old channel.

As our prisoners necessarily suffer for want of an agent in your lines, Mr. John Franklin²³ will shortly repair to New York in that capacity; unless the circumstances of his coming out should afford objections to his return. On a possibility of this I suspend his going in 'till I hear from your Excellency.

The very frequent complaints we receive of the extreme sufferings of the naval prisoners have occasioned the inclosed letter to the Commanding Officer of the fleet at New York. I request your influence in the affair. I shall be particularly happy if the proposal I now make is received in such a manner as either to disprove the complaints, or so far as they may be well founded, to produce a remedy. I should with the greatest reluctance see any discussions concerning the treatment of prisoners revived, or be necessitated to adopt any measures with respect to those in our power inconsistent with the tenderness due to the unfortunate. I am etc.²⁴

23. "With respect to the admitting Mr. John Franklin to reside here as Agent, I am to inform you, Sir, that his Conduct was so very exceptionable, when he lived in this City before, that the Commandant found it requisite to remove him and his Family, without the Lines."— *Sir Henry Clinton to Washington*, Feb. 2, 1781. Clinton's letter is in the *Washington Papers*.

24. The draft is in the writing of Alexander Hamilton.

TO THE OFFICER COMMANDING THE BRITISH FLEET AT NEW YORK

Head Quarters, New Windsor, January 25, 1781.

Sir: Through a variety of channels representations of too serious a nature to be disregarded, have come to us that the American naval prisoners in the harbour of New York are suffering all the extremities of distress from a too crowded and in all respects disagreeable and unwholesome situation on board the prison-ships, and from the want of food and other necessaries. The picture given us of their sufferings, is truly calamitous and deplorable. If just, it is the obvious interest of both parties (to omit the plea of humanity) that the causes should be without delay inquired into and removed; if false it is equally desirable that effectual measures should be taken to obviate misapprehension. This can only be done by permitting an officer of confidence on both sides to visit the prisoners in their respective confinements, and examine into their true condition. This will either at once satisfy you that by some abuse of trust in the persons immediately charged with the care of the prisoners, their treatment is really such as has been described to us and requires a change; or it will convince us that the clamours are ill grounded. A disposition to aggravate the miseries of captivity is too illiberal, to be imputed to any but those subordinate characters who in every service are too often remiss or unprincipled. This reflection assures me that you will acquiesce in the mode proposed for

ascertaining the truth and detecting delinquency on one side, or falsehood on the other.

The discussions and asperities which have had too much place on the subject of prisoners are so irksome in themselves and have had so many ill-consequences, that it is infinitely robe wished there may be no room given to revive them. The mode I have suggested appears to me calculated to bring the present case to a fair direct and satisfactory issue. I am not sensible of any inconveniences it can be attended with, and I therefore hope for your concurrence. I shall be glad as soon as possible to hear from you on the subject. I have the honor etc.²⁵

To BARON VON KNYPHAUSEN

Head Quarters, New Windsor, March 29, 1781

Sir: I have been honored with your Excellencys letter of the 25th. instant. The complaint, as to provision, contained in the depositions of the several Hessian prisoners lately exchanged,⁸¹ is the first that I ever heard respecting the quality of that delivered by the American Commissaries to their prisoners of War. Your Excellency will therefore pardon me, if I do not give intire credit to it.

25. The draft is in the writing of Alexander Hamilton.

Capt. George Dawson, of the British Navy (Admiral Arbuthnot being away from New York), answered the above letter (February 2) and Inclosed a copy of the report of a board of officers which inquired into the treatment of the prisoners. Washington (February 13) forwarded copies to Congress. Sparks prints Admiral Arbuthnot's answer to the above letter from Washington, dated April 21, which is now found in the *Washington Papers*, in the form of a recent copy, the original having been abstracted by Sprague before those papers came into the possession of the Government. Arbuthnot assured Washington on honor that the inquiry of February 2 was conducted "with such strict care and impartiality that you may rely on its validity." He added:

"Permit me now, Sir, to request, that you will take the proper steps to cause Mr. Bradford, your commissary, and the jailor at Philadelphia, to abate that inhumanity, which they exercise indiscriminately upon all people, who are so unfortunate as to be carried into that place. I will not trouble you, Sir, with a catalogue of grievances, further than to request, that the unfortunate may feel as little of the seventies of war, as the circumstances of the time wall permit, that in future they may not be fed in winter with salted clams, anti that they may be afforded a sufficiency of fuel."

81. See Rauthe, Philip, examination before a committee of officers in New York, Mar. 8, 1781, in the *Washington Papers*.

The very healthy condition, in which all prisoners have been returned by us since the commencement of the War, carries with it a conviction that they have been uniformly, comfortably accommodated and fed on wholesome provisions. That the sick as well as the well have lately suffered in Philadelphia for want of Cloathing and other necessities, is a point which I readily concede, but I must deny that the blame is to be imputed to us. That great attention has been paid to the sick, especially upon the late appearance of the putrid fever among them, needs no other proof, than that that malignant disorder was stopped almost as soon as discovered by the removal of the patients from the places of their confinement to the most roomy and convenient Hospitals near the City.

Mr. Loring has furnished your Excellency with a number of extracts from his letters to our Commy. of prisoners setting forth the frequent applications which he has made for passports for Officers to proceed with Cloathing and necessities for your prisoners in different places, but he seems to have forgotten to inform you that the passports for Capt. Bartling and Ensign Van Kovan⁸² were granted and that those Gentlemen actually proceeded and transacted the business committed to them. This will appear by the inclosed Copy of a letter from Mr. Skinner to me.⁸³ Mr Loring's requisition for passports for Lieut: Sobbe⁸⁴ and Qr. Mr. Hertzog⁸⁵ is only dated the 14th. inst. it was presented to me a few days ago, and the passports were immediately made out and delivered to Mr. Skinner who will forward them to Mr. Loring. There may have been particular times when

82. Ensign von Kovan, of the Regiment Losberg, senior, German allied troops, British Army in America.

83. Skinner's letter to Washington (March 28). The original is in the *Washington Papers*.

84. Lieut. Christian Sobbe, of the Regiment Knyphausen, German allied troops.

85. Quarter Master James Hertzog, of the Seventeenth Foot, British Army in America.

it was inexpedient to admit Officers within our lines; But I am confident that few instances are to be adduced where passports for Officers and others to visit and carry necessities either to the Troops of Convention or to the prisoners of War have not been granted as soon as requested; indeed so conscious have I been that the situation in which we always kept prisoners of War would bear inspection, that I have never been averse to having them visited by an Officer of their own, who

might be a witness to the propriety of their treatment. A request of this nature was a very little time ago refused to us by the Officer commanding the British Navy in the Harbour of New York.

Your Excellency may be assured that no person can wish to alleviate the rigors of Captivity more than I do, and that attention shall be ever paid to complaints which are well grounded. I have the honor etc.⁸⁶

To SIR HENRY CLINTON

Head Quarters, New Windsor, April 16, 1781.

Sir: By the inclosed act of Congress of the 3d. instant you will perceive I am directed to demand the immediate return

86. The draft is in the writing of Tench Tilghman.

of Lt General Burgoigne and all other British or German officers, prisoners of war, now absent from America on their paroles. As the late exchanges have released all those who were under this description except Lt General Burgoyne, I am only to require his return agreeable to the act. I therefore request your Excellency will take the necessary steps to procure the speediest compliance possible with this requisition. I am etc.⁶

To SIR HENRY CLINTON

Head Quarters, New Windsor, May 1, 1781.

Sir: I have been authorized, since my letter of the 16th. April, to revoke the demand, then made, of the return of Lieut. General Burgoyne to America. If letters of recall have not been already transmitted to him, you will be pleased to suspend them. If they have, you will be so obliging as to take the earliest opportunity to countermand them. I have the Honor etc.³⁰

6. The draft is in the writing of Alexander Hamilton.

30. The draft is in the writing of Tench Tilghman.

To BARON VON RIEDESEL

Head Quarters, New Windsor, May 11, 1781.

Sir: I have been honored with your favor of April without particular date. You must either have been misinformed as to the letters which passed from General Phillips to Me of the 23d. Decemr. and from me to Sir Henry Clinton on the 25th. January in answer, or you must have misunderstood them. I therefore inclose you Copies of them. You will observe that I acceded only to the exchanges of the British Officers particularly named in General Phillips's letter. I refused his proposal of permitting an indeterminate number of British or German Officers to be sent to New York at the discretion of Brig: General Hamilton.

Some time after, proposals for a further exchange bearing date the 3d of March, and in which are included the German Officers whose names you mention, were communicated to me by my Commissary General of prisoners, to which I did not think proper to accede, as I conceived the exchange of Lieut. Genl. Burgoyne was unreasonably delayed. My answer and instructions upon this head have been communicated at large to Mr. Loring by Mr. Skinner.

Were I inclined to partiality in favor of the British Officers, I have it not in my power to exercise it, as the choice of the objects of exchange does not lie with me.

At your particular request I have given orders to have Major and Ensign de Meibom sent into New York upon parole I have the honor etc.²

To SIR HENRY CLINTON

Head Quarters, New Windsor, May 16, 1781.

Sir: I am directed to enquire whether permission will be granted to ship 600 Hhds of Tobacco from the States of Virginia and Maryland to Charles town in south Carolina, to be there sold and the proceeds applied to the support of the American prisoners of War.

2. The draft is in the writing of Tench Tilghman.

Should this proposition meet your Excellency's approbation, I will transmit the names of the Vessels and Masters and apply to you for the necessary passports, or it may perhaps be equally convenient

to give directions to Major Genl. Phillips or the Officer commanding his Britannic Majesty's forces in Virginia to grant the passports there. I have the honor etc.³⁶

To BARON VON KNYPHAUSEN

Head Quarters, New Windsor, June 1, 1781.

Sir: I have been honored with your Excellency's letter of the 17th ulto. I am sorry that you should have occasion to complain of the treatment of Lieut. Sobbe and Quarter Masr. Hartzog while under the protection of my passport in Philada. You may be assured that it is not my wish to countenance either unpolite or improper behaviour towards Gentlemen in their situation, and that due inquiry shall be made into the reasons of Mr. Bradfords conduct.

A similar indulgence never having been allowed to us, I cannot consent that a Surgeon shall remain with the Hessian prisoners of War, but any Medicines or Hospital Stores which you may incline to send them, shall be carefully

36. The draft is in the writing of Tench Tilghman.

kept for their use and dispensed to them occasionally by the Surgeons of our Hospital who are appointed to attend them. I have the Honor etc.²²

To THE OFFICER COMMANDING HIS BRITANNIC MAJESTY'S SHIPS OF WAR

Head Quarters, August 21, 1781.

Sir: The almost daily complaints of the severities exercised towards the American Marine prisoners in New York, have induced the Honble. the Congress of the United States to direct me to remonstrate to the Commanding Officer of his Britannic Majesty's Ships of War in that Harbour, upon the subject, and to report to them his answer. The principle Complaint now is, the inadequacy of the room in the prison ships to the number of prisoners confined on board them, which causes the death of many and is the occasion of most intolerable inconveniences and distresses to those who survive. This line of conduct is the more aggravating, as a want of a greater number of prison ships or of sufficient room on shore cannot be plead in excuse.

As a bare denial of what has been asserted by so many individuals, who have unfortunately

22. The draft is in the writing of Tench Tilghman.

On June 1 Tilghman wrote to Pickering ordering vessels prepared to transport six companies of Van Schaick's regiment and Hazen's regiment to Albany. Tilghman's letter is in the *Washington Papers*. Washington's *Diary* states that these troops were sent because some intercepted letters gave the British the strength and location of the American troops about Albany and urged the enemy to move rapidly upon that place.

experienced the miseries I have mentioned, will not be satisfactory I have to propose, that our Commissary General of Prisoners, or any other Officer who shall be agreed upon, shall have liberty to visit the Ships, inspect the situation of the prisoners and make a report from an exact survey, of the situation in which they may be found, and whether in his opinion there has been any just cause of complaint. I shall be glad to be favoured with an answer as soon as convenient. I have the honor
etc.⁴²

To SIR HENRY CLINTON

Head Quarters, Philadelphia, September 1, 1781.

Sir: In Compliance to a Resolution of Congress, I take the Liberty to inclose to you Copies of 16 Setts of Bills pr Exchange drawn by British Officers while Prisoners within these States, in Payment of the Allowance of two Dollars pr Week allowed them by Congress, which Bills have been protested and remain yet unpaid, in Consequence of Orders Given by the Officers for that purpose, as appears from the Protests and Letters accompanying the Bills.

This Conduct in British Officers, whose Honour and Integrity was judged a Sufficient Security against such a measure to evade Payment, is deemed the more exceptionable,

42. The draft is in the writing of Tench Tilghman. This letter was answered August 30 by Capt. Edmund Affleck, of the British Navy, which letter is in the *Washington Papers*. (See Washington's letter to the President of Congress, Sept. 4, 1781.)

as the drawg of these Bills was an Indulgence given those Officers, without which they might not have been able to take the Benefit of their Exchange without Delays.

Under these Circumstances, I have to request that your Excellency will take some Measures that Payment may be made to our Comry Genl of Prisoners, of the Several Bills with their attendant Costs and Charges. I make this Request with the greater Confidence, as I am persuaded you are not disposed to suffer the Honor of British Officers to lye under the Imputation of thus Evading the Payment of their just Debts. I have the Honour etc.¹²

To MAJOR JOSEPH GREENE²⁵

Head Quarters before York, October 14, 1781.

Sir: I have received your Letter of the 11th. instant. It is not for me to interfere with any Directions respecting Prisoners captured on the Seas by Count de Grasse; your Address must be made to that Gentleman for any Favors you may wish to obtain. I am etc.²⁶

12. The draft is in the writing of Jonathan Trumbull, jr.

25. Of De Lancey's First Battalion, British Provincial Troops.

26. The draft is in the writing of Jonathan Trumbull, jr., and is indorsed that Greene was "a Prisoner on Board the *Conqueror*."

To CHARLES, EARL CORNWALLIS

Camp before York, October 17, 1781.

My Lord: I have had the Honor of receiving Your Lordship's Letter of this Date.

An Ardent Desire to spare the further Effusion of Blood, will readily incline me to listen to such Terms for the Surrender of your Posts and Garrisons of York and Gloucester, as are admissible.

I wish previously to the Meeting of Commissioners, that your Lordship's proposals in writing, may be sent to the American Lines: for which Purpose, a Suspension⁴¹ of Hostilities during two Hours from the Delivery of this Letter will be granted. I have the Honor etc.⁴²

To CHARLES, EARL CORNWALLIS

Head Quarters before York, October 18, 1781.

My Lord: To avoid unnecessary Discussions and Delays, I shall at Once, in Answer to your Lordships Letter of Yesterday,⁴³ declare the general Basis upon which a Definitive Treaty and Capitulation

41. Trumbull wrote "Cessation," but Laurens changed it to "Suspension."

42. The draft is in the writing of Jonathan Trumbull, jr.

43. Not now found in the *Washington Papers*; it is, however, printed in Sparks's *Writings of Washington*, vol. 8, p. 530.

Cornwallis's second letter of Oct. 17, 1781, is in the *Washington Papers*. Its terms were practically the same as those proposed in 1777 by Burgoyne to Gates at Saratoga and accepted by the latter. The general tone of the letter was that of an unconquered adversary. It is printed, with minor variations from the original, in Sparks's *Writings of Washington*, vol. 8, p. 531.

must take place. The Garrisons of York and Gloucester, including the Seamen, as you propose, will be received Prisoners of War. The Condition annexed, of sending the British and German Troops to the parts of Europe to which they respectively belong, is inadmissible. Instead of this, they will be marched to such parts of the Country as can most conveniently provide for their Subsistence; and the Benevolent Treatment of Prisoners, which is invariably observed by the Americans, will be extended to them. The same Honors will be granted to the Surrendering Army as were granted to the Garrison of Charles Town. The Shipping and Boats in the two Harbours with all their Guns, Stores, Tackling, Furniture and Apparel, shall be delivered in their present State to an Officer of the Navy, appointed to take possession of them.

The Artillery, Arms, Accoutrements, Military Chest and Public Stores of every Denomination, shall be delivered unimpaired to the Heads of Departments, to which they respectively belong.

The Officers will be indulged in retaining their Side Arms, and the Officers and Soldiers may preserve their Baggage and Effects, with this Reserve, that Property taken in the Country, will be reclaimed.

With Regard to the Individuals in civil Capacities, whose Interests Your Lordship wishes may be attended to, until they are more particularly described, nothing definitive can be settled.

I have to add, that I expect the Sick and Wounded will be supplied with their own Hospital Stores, and be attended by British Surgeons, particularly charged with the Care of them.

Your Lordship will be pleased to signify your Determination either to accept or reject the Proposals now offered, in the Course of Two Hours from the Delivery of this Letter, that Commissioners may be appointed to digest the Articles of Capitulation, or a Renewal of Hostilities may take place. I have the Honor etc.⁴⁴

44. The draft is in the writing of Jonathan Trumbull, jr.

To SIR HENRY CLINTON

Philadelphia, December 6, 1781.

Sir: I am induced to mention a subject which has already occasioned many discussions. The situation of those Men ought to be attended to, who, by the chance of War are subjected to the authority of your sovereign or mine. It is much to be wished that all difficulties in Exchanges be obviated, the expences of maintaining prisoners liquidated and solid arrangements made to provide for them in future.

From a sincere desire to accomplish these objects, I will, upon receiving your Excellency's approbation of the plan appoint

Brigadier Genl. Knox and Gouverneur Morris Esqr. on the part of the United States to meet Commissioners properly authorised by you either at Elizabeth Town, upon Staten Island or at any other place which may be deemed mutually convenient.

You will find inclosed a Passport for a Gentleman to proceed to Frederick Town and Winchester agreeable to your Excellency's request of the 30th. Novemr. I have the honor etc.⁵⁴

54. The draft is in the writing of Tench Tilghman. The draft of the passport inclosed is also in the writing of Tilghman, dated December 6, and grants permission for the agent "to proceed from New York to Frederick Town in Maryland and Winchester in Virginia with Money for the British Officers

prisoners of War there by the Route of Easton, Bethlehem, Reading, Lancaster and York Town, and to return by the same when his business is accomplished."

To REAR ADMIRAL ROBERT DIGBY⁶⁶

Philadelphia, December 11, 1781.

Sir: The moment I received your Excellency's letter, without date, which reached me a few days ago, I wrote to his Excellency the Count de Rochambeau commanding in Virginia, desiring him to give the Cartel ship New Blessing the proper reception upon her arrival in Chesapeake. I have the honor etc.⁶⁷

To SIR HENRY CLINTON

Philadelphia, December 31, 1781.

Sir: I do myself the honor to inclose the duplicate of a letter which I had written to your Excellency on the 6th. of this Month. I have reason to believe the original miscarried between this place and Elizabeth Town. I must entreat such attention to it as the importance of the subject requires.

I have been honored with your Excellency's favr. of the 14th. and should have transmitted the passports therein

66. Commanding the British fleet at New York.

67. The draft is in the writing of Tench Tilghman.

requested, by this opportunity; but for the following circumstance. It has been determined to make a change of disposition in the Cantonments of the British and German Prisoners of War. The British are all to be collected at Lancaster and Philada. The Germans in the other Towns of Pennsylvania, Maryland and Virginia. They are now moving their Quarters and the moment they are settled in them, the passports shall be forwarded. I have thought it needless to renew that mentioned in mine of the 6th. for the reasons just mentioned. I have the honor etc.³⁶

To CHARLES, EARL CORNWALLIS

Camp before York, October 22, 1781.

My Lord: The Pay Master General of my Army not being at present with me, I have the desire that your Lordship will cause the Military Chest of your Army to be delivered into the care of my Q Master General, who has my Orders to take charge of it.⁶⁶ I am etc.⁶⁷

36. The draft is in the writing of Tench Tilghman.

On December 31 Washington signed certificates of service to Maj. William Galvan and Capt. Alien McLane, the drafts of which, in the writing of Tench Tilghman, are in the *Washington Papers*.

66. Pickering passed his receipt for contents of the British military chest, which afterwards was found to amount to "1593½ guineas, equal to £1735:2:10¾ 19 half and 3 quarter joes, equal to £38:5:4; 1550 Spanish dollars, equal to £361:13:4 and 1 English half-crown, equal to 25. 6d. in all equalling £2135:4:0¾ which exceeded the sum receipted for by £21: 18:0¾."

67. The draft is in the writing of Jonathan Trumbull, jr.

To CHARLES, EARL CORNWALLIS

[Camp near York, October 27, 1781.]

[My Lord:] In answer to Your Lordship's letter of this date,⁴ I can only express my [surprise] that any of your officers object to a clause which is essential in every parole, and repeat that however inclined I am to comply with your Lordships wishes, I find myself in the impossibility of doing so on the present occasion.⁵

I request therefore that you will be pleased to communicate my final determination to the Gentlemen who have made difficulties on the subject, and exhort them to sign the form of parole which has been already adopted, if they are really desirous of going to New York, and Europe. [I have the honor etc.]⁶

4. Cornwallis's letter of Oct. 27, 1781, a copy of which is in Force's *Continental Army Returns*, *Washington Papers*. Library of Congress, no. 106, fol. 18¾, should be in the Adjutant General's Office, War Department, Washington, D.C.

5. The objection was that the British officers “apprehended that they lose the benefit of the Capitulation...by Signing their paroles in the form proposed by your Commissary of Prisoners.” A form of parole suggested by Cornwallis accompanies his letter.

6. The draft is in the writing of John Laurens. The words in brackets are in the writing of Washington.

To SIR HENRY CLINTON

Philadelphia, January 11, 1782.

Sir: I had, yesterday Evening, the honor of receiving your Excellency's favr. of the 2d. I am apprehensive that you have misunderstood the full meaning of my letter of the 6th. of December, as I infer from yours that you suppose the meeting of Commissioners is intended principally to facilitate the exchange of prisoners. That will undoubtedly be one of the objects; but the primary one will be “to liquidate the expences of maintaining prisoners and to make solid arrangements for providing for them in future.” The mere business of exchange is so well settled and understood that our respective Commissaries are competent to the adjustment of that point.⁷³

As the Commissioners named by me will go fully prepared for the purposes I have mentioned, I have thought it proper to be thus explicit with your Excellency, that there may be no disappointment. I shall await your answer, after which the time and place shall be fixed.

The American Commy. General of Prisoners has directions to send in twenty Cords of Wood for the use of our prisoners. You will be pleased to grant passports upon his application for that quantity and for a person to go in and make proper distribution of it.

I shall forward the packet for the Count de Rochambeau by the first opportunity. I have the honor etc.⁷⁴

73. Clinton replied (January 23) that he was ready “to send Commissioners...to meet those named in yours, either at Elizabeth Town, or at Amboy...who shall be fully prepared...to liquidate the Expences of maintaining Prisoners, and to make solid Arrangements for providing for them in future, as well as to facilitate their Exchange.” Clinton's letter is in the *Washington Papers*.

74. The draft is in the writing of Tench Tilghman.

To SIR HENRY CLINTON

Philadelphia, February 26, 1782.

Sir: I have been honored with your Excellency's letters of the 10th. and 11th. instants. I inclose a passport for the Gentleman in the Quarter Master's department who you propose sending with Money for the British and German Prisoners of War at Lancaster &ca. I have left a blank for his name which you will be pleased to fill up. I have no objection to the person for whom the former passport was granted remaining at Lancaster, and other places in the neighbourhood for the purposes you mention, he subjecting himself to a parole of a proper nature. I shall direct Colo. Dayton to furnish an Escort upon the arrival of your Officers at Elizabeth Town, and their application to him.

Upon being favored with the usual descriptions of the Vessels, which you propose sending into the Delaware and Chesapeake with Cloathing and other necessities for the prisoners of War, passports shall be transmitted to you,²⁷ and directions shall be lodged at the places of debarkation, to permit the Goods to be transported from thence by land to the places of their destination.

I have appointed the meeting of our respective Commissioners to be at Elizabeth Town on the 15th. of next Month. If I hear nothing further from your Excellency I shall take it for granted that you accede to the time and place; and I would

27. See Washington's letter to Sir Henry Clinton, Mar. 14, 1782, *post*.

propose, as is usual in such cases, that a cessation of Hostilities should take place, during the meeting from Amboy to Newark, both included.

As my Commissioners will go fully authorized to treat of the Exchanges of Lord Cornwallis and the Honble. Mr. Laurens, I have no occasion to be particular in my answer to your Excellency's letter on that subject, I shall only observe that I apprehend Lord Cornwallis misunderstood Colo. Laurens in the conversation they had upon that matter in Virginia. I could never have given an assurance that His Lordship should be exchanged for Mr. Laurens, the Father of the Colonel, as I had no authority to make any such stipulation. I have the honor etc.²⁸

28. The draft is in the writing of Tench Tilghman.

Accompanying this draft (in the *Washington Papers*) is the draft of a passport, also in Tilghman's writing, for a British officer to proceed from New York to Philadelphia, Lancaster, and such other places at which the British and German prisoners of war are confined, with money for the use and relief of said prisoners. "Upon his arrival at Philada. he as to report himself to the secretary at War from whom he will take directions for the prosecution of his Route and will conform to such restrictions as he may think proper to impose upon him."

To REAR ADMIRAL ROBERT DIGBY

Philadelphia, February 26, 1782.

Sir: I do myself the honor to inform your Excellency that Brigadier General Knox and Gouverneur Morris Esquire are to meet Brigadier General O'Hara and Colo. Abercrombie.²⁶ at Elizabeth Town on the 15th. of next Month for the purpose of settling all matters relating to the subsistence exchange and treatment of prisoners of War. As I am authorized to enter into a negotiation respecting Naval as well as Land Prisoners, I have to propose to your Excellency either to give powers to the two Gentlemen above mentioned or to appoint others to treat with my Commissioners on such matters as relate to the Marine. I have the honor etc.²⁵

26. Brig. Gen. Charles O'Hara and Lieut. Col. Robert Abercromby (Abercrombie).

25. The draft is in the writing of Tench Tilghman.

To BARON VON KNYPHAUSEN

Philadelphia, February 26, 1782.

Sir: I have been honored with your Excellency's favors of the 23d. of November and 21st. of January last. I beg you will be persuaded that there were particular reasons which operated against permitting an Officer to come to Philada. with money for the Hessians prisoners of War there at the time the request was first made. I now inclose a passport, which may be filled up with the name of any other Officer but that of Lieut. Sobbe. The last time that Gentleman was sent upon business of a similar nature there was a difference between him and some of the people here, which is the reason of my objecting to him at present.

As an Officer will be sent out by Sir Henry Clinton with Money for the prisoners of War at their different places of Cantonment, I would recommend it to your Excellency to direct the Gentleman who will be appointed by you to come at the same time. I shall order an escort from Elizabeth Town and he will therefore travel perfectly safe. I have the honor etc.²⁹

29. The draft is in the writing of Tench Tilghman.

A draft of the passport accompanying this letter is in the *Washington Papers*. It is similar to the passport sent to Sir Henry Clinton. (See Washington's letter to Sir Henry Clinton, Feb. 26, 1782, *ante*.)

To LIEUTENANT JOHN McDONALD⁴³

Philadelphia, March 2, 1782.

Sir: I have received your favor of the 25th feby requesting permission to go to Maryland on a Visit. It will always give me pleasure to grant every possible indulgence to Gentlemen in your situation that can be granted with propriety and I am extremely sorry the request you now make cannot be considered of that nature. I am &c.⁴⁴

43. Of the Eightieth Foot, British Army.

44. The draft is in the writing of Benjamin Walker.

To SIR HENRY CLINTON

Philadelphia, March 14, 1782.

Sir: I late last evening recd. your Excellencys letter of the 7th. My Commissioners had set out for Elizabeth Town on Tuesday. As it will be inconvenient for them to remain in that neighbourhood until the 10th. of next Month, the time to which you wish the meeting may be postponed, and as returning and having the journey to repeat at this season of the year will be a disagreeable circumstance, I am to request you to endeavour to make the meeting so much the earlier that the Gentlemen may find it more advantageous to remain in Jersey to that time than to return. You will be pleased to inform them of your determination that they may take their measures accordingly.

Inclosed you have the passports for the Store Ships for Delaware and Chesapeak. I have fixed upon Wilmington and Baltimore as the places most convenient to the Cantonments of the prisoners.⁹⁵ I am etc.⁹⁶

95. Accompanying the draft is a draft of a passport, dated March 14, to brigantine *Dolphin*, about 147 tons, Charles Cook, master, and eight seamen, to proceed from New York to Wilmington, Del., with clothing, stores and necessaries for the British and German prisoners of war. Mr. John Tayliour, a subaltern, and two noncommissioned. British officers were allowed to take care of the clothing. The same passport was issued for the brig Duncan, Jeremiah Picker, master; and also for the sloops *Mary* and *Leith*, Thomas Smith and Edward Ross, masters, respectively, to go to Baltimore.

96. The draft is in the writing of Tench Tilghman.

To SIR HENRY CLINTON

Head Quarters, April 21, 1782.

Sir: The inclosed Representation from the Inhabitants

of the County of Monmouth, with testimonials to the facts, (which can be corroborated by other unquestionable Evidence) will bring before your Excellency the most wanton, unprecedented and inhuman Murder that ever disgraced the Arms of a civilized people.

I shall not, because I conceive it altogether unnecessary, trouble your Excely, with any Animadversions upon this transaction.

Candor obliges me to be explicit. To save the innocent, I demand the guilty. Captn Lippicot¹⁵ therefore, or the Officer who commanded at the Execution of Capt Huddy must be given up; or if that Officer was of inferior Rank to him so many of the perpetrators as will according to the Tariff of Exchange be an Equivalent.

To do this will mark the Justice of your Excellency's Character. In Failure of it, I shall hold myself justifiable in the Eyes of God and Man, for the measure to which I shall resort.

I beg your Exccy to be persuaded, that it cannot be more disagreeable to you to be addressed in this Language, than it is to me to offer it; but the Subject requires frankness and decision.

I have to request your speedy determination, as my Resolution is suspended but for your Answer. I have the Honor etc.¹⁶

15. Capt. Richard Lippincott, of Associated Loyalists, British Provincial Troops.

16. The draft is in the writing of Jonathan Trumbull, jr.

To LIEUTENANT GENERAL JAMES ROBERTSON

Head Quarters, May 4, 1782.

Sir: I had the honor to receive your Letter of the 1st Inst.⁹³

Your Excellency is acquainted with the determination expressed in my Letter of the 21st. of Apr. to Sir Henry Clinton. I have now to inform you that so far from receding from that Resolution, Orders are given to designate a British Officer for Retaliation. The time and Place are fixed; but I still hope, the result of your Court Martial⁹⁴ will prevent this dreadful alternative.

Sincerely lamenting the cruel Necessity which alone can induce so distressing a Measure in the present instance, I do assure your Excellency, I am as earnestly desirous as you can be, that the War may be carried on agreeable to the Rules which humanity formed and the example of the politest Nations recommends and shall be extremely happy in agreeing with you to prevent or punish every breach of the Rules of War within the spheres of our respective Commands.

I am unacquainted with the circumstances of the detention of Badgely and Hatfield;⁹⁵ the matter shall be examined into and Justice done; but I must inform you that

93. "A commission from the King appointing me Commander in Chief of his forces in this Country having arrived by a late conveyance; I make it one of my first cares, to convince you of my wish to carry on the war agreeable to rules which humanity formed and the example of the politest nations recommends."— *Robertson to Washington*, May 1, 1782. Robertson's letter is in the *Washington Papers*.

Sir Henry Clinton's resignation had been accepted and he had been so informed the last week in April. Sir Guy Carleton was appointed his permanent successor, and Robertson's commission was in

force only for the short time that intervened between Clinton's resignation and Carleton's arrival in New York.

94. A court-martial had been ordered by the British on Capt. Richard Lippincott, who had commanded at the execution of Huddy. It convened on May 3.

95. Abner Badgely and John Smith Hatfield. Badgely was from Monmouth County and Hatfield from Elizabethtown, N.J.

in my Opinion, Deserters or Characters who for Crimes they have committed, are Amenable to the Civil Power, cannot on either Side, be protected under the Sanction of a Flag. I do not pretend to say the above mentioned persons are in that predicament.

Recriminations would be useless. I forbear therefore to mention numerous instances which have stained the reputation of your Arms, marked the progress of this War, with unusual severity, and disgraced the honor of human Nature itself. While I wave this ungrateful discussion, I repeat the Assertion, that it is my most ardent desire, not only to soften the inevitable calamities of War, but even to introduce, on every occasion, as great a share of tenderness and humanity as can possibly be exercised in a state of Hostility. I have the honor etc.⁹⁶

To SIR GUY CARLETON

Head Quarters, May 10, 1782.

Sir: I had the Honor last Evening to receive your Excellency's Letter of the 7th, with the several papers inclosed.

Ever since the Commencement of this

96. The draft is in the writing of Benjamin Walker.

unnatural War, my Conduct has borne invariable testimony against those inhuman Excesses, which in too many Instances, have marked its various progress.²⁵

With respect to a late Transaction, to which I presume your Excellency alludes, I have already expressed my Resolution, a Resolution formed on the most mature deliberation, and from which I shall not recede.

I have to inform your Excellency, that your request of a passport for Mr. Morgan²⁶ to go to Phila. shall be conveyed to Congress by the earliest Opportunity; And I will embrace the first Moment I have it in my power, to communicate to you their Determinations thereon.

Many Inconveniences and Disorders having arisen from an improper Admission of Flags at various posts of the two Armies, which have given rise to Complaints on both Sides; to prevent abuses in future, and for the Convenience of communication, I have concluded to receive all flags from within your Lines, at the post of Dobbs Ferry and no where else; so long as the Hd Qters. of the two Armies remain as at present. I have the Honor etc.²⁷

To SIR GUY CARLETON

Head Quarters, May 21, 1782.

Sir: I take the earliest Moment to inform your

25. At this point the draft has the following crossed off: "and stained the Reputation of Briton's."

26. Dr. Maurice Morgann, secretary to Sir Guy Carleton.

27. The draft is in the writing of Jonathan Trumbull, jr.

Excellency, that your Request of a passport for Mr Morgan to go with Dispatches to Philadelphia, is disagreeable to Congress and cannot be admitted.

A Number of the Inhabitants of the State of So. Carolina, principally Women and Children, having under the British Administration, been sent from Charlestown to Pennsylvania; I have the Honor to propose that proper passports may be given from Your Excellency for their Safe Return, with their Baggage to the State of So Carolina. And as these unfortunate persons have been removed by Orders of the British Commanders, I am directed further to propose, that the Expence of their Transportation shall be borne by the King of G Britain, and that your Orders may be given for that purpose.

Your Excellency will oblige me by giving an early reply to this proposal; the persons havg been long absent from their own State and Friends, are anxious to return to their Homes, in the most easy and expeditious Manner. I am &ca.⁷⁹

To REAR ADMIRAL ROBERT DIGBY

Head Quarters, June 5, 1782.

Sir: By a Parole granted to two Gentlemen, Messrs. Osborn and Bowen, I perceive that your Excellency has granted

79. The draft is in the writing of Jonathan Trumbull, jr.

them permission to come to me with a Representation of the Sufferings of the American naval Prisoners at N York.

As I have no Agency in naval Matters, this Application to me is made on mistaken Grounds. But Curiosity leading me to enquire into the Nature and Cause of their Sufferings, I am informed that the principal Complaint is, that of their being crouded, especially at this Season, in great Numbers on Board of foul and Infectious prison Ships, where Disease and Death are almost inevitable. This Circumstance, I am persuaded needs only to be mentioned to your Excellency, to obtain that Redress which is in your power *only* to afford, and which Humanity so Strongly prompts.

If the fortune of War Sir! has thrown a Number of these miserable people into your Hands, I am certain your Excellency's feelings for fellow Men must induce you to proportion the Ships (if they must be confined on Board Ships) to their Accommodation and Comfort, and not, by crouding them together in a few, bring on Disorders which consign them by half Dozens a Day to the Grave.

The Soldiers of His Britannic Majesty, prisoners with us, were they (which might be the Case) to be equally crouded together into close and confined prisons, at this Season, would be exposed to equal Losses and Misery. I am &c.⁴⁶

46. The draft is in the writing of Jonathan Trumbull, jr.

To SIR GUY CARLETON

Head Quarters, June 10, 1782.

Sir: In compliance with my promise made to Lieut General Robertson in my Letter to him of the 4th of May, Enquiry has been made into the circumstances of the Detention of Hetfield and Bagely. The

result of which, I do myself the Honor to transmit to your Excellency, and is contained in the inclosed Copy of a Report made by Chief Justice Brearly of the State of N Jersey, to His Excellency Governor Livingston,⁶³ explaining the Reasons which have induced the civil power of that State to apprehend and detain those persons; an Extract of the Governors Letter to me, also accompanies this Report.

As these persons have not been taken, nor are holden under the Military power, it is unnecessary for me to make any Observations on the subject. My general Opinion however on Cases of this nature, is contained in my Letter of the aforementioned Date, to General Robinson, an Extract of which, so far as relates to this Business, is inclosed for your Excellency's Observance. I am &c.⁶⁴

To SIR GUY CARLETON

Head Quarters, June 22, 1782.

Sir: Your Favor of the 20th June I have had the

63. A copy of Brearley's letter to Gov. William Livingston, May 13, 1782, is in the *Washington Papers*.

64. The draft is in the writing of Jonathan Trumbull, jr.

Honor to receive.

Could I view your Excellencys proposal for a meeting, as intended to involve Objects of a military Nature, I should have no Objection to complying with your Request; but if its purpose embraces (as would seem from your Letter) only points of civil Discussion, I conceive it wholly unnecessary for me to accede to it.

As I had the Honour in my last, transmitting the Circumstances relating to Hetfield and Bagely, to inform you, that findg them entirely in the Hands of the Civil power, It was not within my Line to say any thing further on the Subject; so, from the Tenor of your Letter, it becomes necessary for me now to be very explicit in mentioning to your Excellency, that in matters of civil Resort I am not authorized in any Case to make the least Interference. The Civil Laws, within the several States, having been passed without any Agency of mine, I am equally excluded from any Part in their Execution; neither is it to be supposed, that they are under any Controul or Influence from me. The Civil power therefore of the States only, being competent to the Discussion of civil points, I shall

leave them solely to their Consideration; being determined to confine myself to the proper Line of my Duty, which is purely military.

Previous therefore to a Closure with your proposal, I have to request that your Excellency will be pleased to declare, whether it was your Intention, that the Gentlemen whom you wished to meet together should be convened in Military Capacity only and be confined solely to the Discussion of Military points. If so,

I shall immediately on Receipt of your Answer, nominate one or more Gentlemen, who shall be authorized to attend such persons as may be appointed on your part, at Dobb's Ferry, the most convenient intermediate post for both parties, and shall feel myself very happy, if by a Discussion of any military points which may then be proposed, any Measures can be adopted for humanizing as much as possible the Calamities attendant on a State of War. I am &c.⁴⁴

To SIR GUY CARLETON

Head Quarters, July 4, 1782.

Sir: Agreeably to your Excellency's favor of the 23d of May last, I have now the honor to inclose to you Returns of such of the Inhabitants of South Carolina, as have been removed from thence by Order of the British Officers commanding in that Department, and who now wish to return to the place specified in the Enclosures. I have the honor etc.⁸⁶

44. The draft is in the writing of Jonathan Trumbull, jr.

86. The draft is in the writing of David Humphreys.

***To CAPTAIN GEORGE JAMES LUDLOW¹⁵**

Head Quarters, July 10, 1782.

Sir: The Inclosed came under cover to me; I shall be happy when opportunities offer to show you Civilities. I have the honor etc.

To BARON VON LOSSBERG²⁸

Head Quarters, July 11, 1782.

Sir: I have been honored with your Favor of the 1st July. Being informed that many abuses have been practised under Cover of passports granted for the relief and Support of the prisoners of War in the united States, many Articles of Merchandize having been carried out under the Denomination of Necessaries; I have complied with your Request so far as extends to Money ready made Cloathing and Medicine for the Use of your prisoners in Phila. The Passport therefore I do myself the Honor to inclose to you and am Your etc.²⁹

15. Of the First Foot Guards, British Army.

28. Lieut. Gen. Friedrich Wilhelm, Baron von Lossberg, Hessian allied troops, British Army.

29. The draft is in the writing of Jonathan Trumbull, jr. A draft of the passport, dated July 11, is the *Washington Papers*.

To SIR GUY CARLETON

Head Quarters, July 30, 1782.

Sir: In Reply to your Letter of the 25th. I have to inform your Excellency, that Major General Heath, second in Command, with two Aides-De-Camp, will have the Honor of Meeting an Officer of equal Rank, of your Excellency's Appointment, at the

House of Mr. Phillips on the 5th. day of Augst next. At that Time Genl Heath will receive from your Officer, the proceedgs. of the Court Martial on Capt Lippincut for the Murder of Capt Huddy, together with such other Documents as you shall think proper to communicate.

The Assurance which your Excellency has given me of the fullest Satisfaction in this Matter is as pleasing as it is interesting.

Your Excellency s propositions, contained in your Letter of the 7th, have been communicated to Congress, and are now under the Consideration of that Hono Body. As soon as I am favored with

their Determination, your Excellency may be assured I will do myself the Honor to communicate it to you. I have the Honor etc.⁵¹

To SIR GUY CARLETON

Head Quarters, July 30, 1782.

Sir: In pursuance of an Act of Congress directing me, "to remand immediately Lieut Genl Earl Cornwallis to the United States, unless the Hono Henry Laurens be forthwith released from his Captivity and furnished with passports to any part of Europe or America at his Option, or be admitted to a General parole." I have to request your Excellency that Orders for this purpose may

51. The draft is in the writing of Jonathan Trumbull, jr.

be communicated to Lieut Genl Earl Cornwallis by the first Conveyance, informg him, that, as this Order is strictly conformable to the Tenor of his Parole, I have the fullest Expectation of his immediate Return to the United States, unless the Conditions mentioned in the Act of Congress are speedily complied with. I am &c.⁵⁷

To SIR GUY CARLETON AND REAR ADMIRAL ROBERT DIGBY

Head Quarters, August 5, 1782.

Gentlemen: I have to acknowledge the Honor of your joint Letter of the 2d. of Augst which was received last Evening.

Not a Moments Time has been lost in conveying a Copy of it to Congress. As soon as I am furnished with their Instructions, I shall do myself the honor to transmit their Sentiments to you as Early as possible. I have the Honor etc.⁸⁸

***To CAPTAIN GEORGE JAMES LUDLOW**

Head Quarters, August 5, 1782.

Sir: Persuaded that your desire to visit

57. The draft is in the writing of Jonathan Trumbull, jr.

88. The draft is in the writing of Jonathan Trumbull, jr.

Captn. Asgill at Chatham, is founded in motives of friendship and humanity only I enclose you a Passport for the gratification of it.

The inclosed Letters for that Gentleman, came to me from New York, in the condition you will receive them. You will have an opportunity of presenting them with yourself. Your own Letter came under cover to me via Ostend. I have the honor etc.⁸⁹

To SIR GUY CARLETON

Head Quarters, August 16, 1782.

Sir: Agreeable to your Request, I have the Honor to inclose to your Excellency a passport for Mr Landeg⁴⁰ of the General Hospital at New York to pass to Lancaster with Medicines for the Prisoners at that place and York.

Your Excellency's Letter of the 13th.

89. The draft of a passport for Captain Ludlow, in the writing of Washington, accompanied the letter and is in the *Washington Papers*.

40. Philip Landeg, of the British General Hospital, at New York. The draft of a passport for Landeg, dated Aug. 17, 1782, is in the *Washington Papers*.

accompanied by the Proceedings⁴¹ of a General Court Martial on the Tryal of Capt Lippincot and other Documents which you have been pleased to send me, were received Yesterday.

After giving these papers the most serious Consideration, I shall have the Honor to give your Excellency a Reply. I have the Honor etc.⁴²

41. These Proceedings in the *Washington Papers* attested by Stephen Payne Adye, Deputy Judge Advocate General, British Army in America, with accompanying papers, a schedule of which follows the above draft, were submitted by Washington "to the Consideration of the General Officers the 16th August 1782."

42. The draft is in the writing of Jonathan Trumbull, jr.

On August 16 Washington wrote briefly to Lieut. Col. Jean Baptiste Joseph, Chevalier de Laumoy, of Engineers, who had been taken prisoner at Charleston, S. C., congratulating him on his exchange and ordering him to join the Army. This draft is in the *Washington Papers*.

To SIR GUY CARLETON

Head Quarters, August 18, 1782.

Sir: In reply to your Excellency's propositions contained in your Letter of the 7th of July, and that of the 2d of Augst. in which you was joined by Rear Admiral Digby, both which, you have been informed, were submitted to the Consideration of Congress, I have the Honor to transmit to your Excellency the inclosed Resolutions of that Hono. Body.

To that which respects the appointment of Commissioners for the Settlement of a general Cartel, I beg your Excellency to give me your early Answer; And request that you will be so good as to communicate the Resolution to Rear Admiral Digby, that he may, if the proposition is adopted, join us in the Commission.

That part of your Letter of the 7th. of July, which respects the Situation of Clergymen, Surgeons, Physicians and Apothecaries will become a Matter of Discussion at the Meeting of the Commissioners.

I will only observe that with respect to Clergy men, those Gentlemen, by a Stipulation entered into by Commissioners at Amboy, were exempted from being considered as prisoners of War on either Side; and those then in Captivity were and have been Since mutually released. I have the Honor etc.⁵⁶

56. The draft is in the writing of Jonathan Trumbull, jr.

To SIR GUY CARLETON

Head Quarters, September 3, 1782.

Sir: At the Desire of the Secretary of War, I transmit to your Excellency a further List of the Citizens of So Carolina, who wish to be returned to their Homes in Flag Vessels to be furnished by you.

Your Excellency will recollect that in the List inclosed to you in my Letter of the 4th of July, there was mention made of a further Number, who would be desirous of being provided for, in the same manner in the fall. I have the Honour etc.⁶¹

To ROBERT HOAKESLY⁶⁷

Head Quarters, September 3, 1782.

Sir: I have received your Application dated N York 24th Augst.⁶⁸

From a Consideration that you was allowed your own Time at York Town, for settling your Affairs, and that your former Character and Conduct have afforded no Encouragement for Indulgences of the Nature you mention, I must inform you that your Request cannot be granted. I am &c.⁶⁹

To SIR GUY CARLETON

Head Quarters, September 8, 1782.

Sir: I have the honor to reply to your

61. The draft is in the writing of Jonathan Trumbull, jr.

67. Loyalist merchant.

68. Hoakesly had requested permission to return to Yorktown, Va.

69. The draft is in the writing of Jonathan Trumbull, jr.

Excellency's Letter of the 23d of Augst. and to inform you, that Majors Genls Heath and Knox are nominated by me, to meet Lieut Genl Campbell¹ and Mr Elliot,² as Commissioners for the purpose of settling a general Cartel for an Exchange of prisoners.

I propose Sir, that the Meetg be held at Tappan, as an intermediate and convenient place, and that it commence on the 18th Day of this Month, at which time my Commissioners will attend, and will be accompanied by the Commissary of prisoners.

Your Excellency's Favor of the 29th, inclosing a Copy of Governor Livingstons Letter to you of the 10th, came in due time to my Hands. I am at a loss to discover for what purpose it was communicated to me; especially as I have more than once observed to you, that, in matters of civil resort, I have ever avoided any, the least, Interference; and have transmitted to you the Approbation of the Sovereign power of these United States for my so doing; And of this Nature appears to be the Case of Ezekiel Tilton, who is the Subject of your Correspondence with the Governor. I cannot help remarking, that your Excellency has several Times lately, taken occasion to mention that "all hostilities stand suspended on your part." I must confess, that, to me, this Expression wants explanation. I can have no Conception of a suspension of Hostilities, but that which arises from a mutual Agreement of the powers at War; and which extends to naval as well as land Operations. That your Excellency has thought proper, on your part, to make

1. Maj. Gen. John Campbell. He was a lieutenant general in the British Army in America.

2. Andrew Elliot, royal chief justice and lieutenant governor of New York.

a partial suspension, may be admitted; but whether this has been owing to political or other motives, is not for me to decide. It is however a well known fact, that, at the same Time, the British Cruizers, on our Coasts, have been more than usually alert, and while Americans are admitted to understand their real Interests, it will be difficult for them, when a Suspension of hostilities is spoken of, to seperate the Idea of its extendg to Sea, as well as land.

I cannot ascribe the Inroads of the Savages upon our North Western Frontier, to the Causes from whence your Excellency supposes them to originate; neither can I allow that they are committed without the directions from the Commander in Chief in Canada; for by prisoners and Deserters, it is apparent that those ravaging parties are composed of white Troops under the Command of Officers

regularly commissioned, as well as Savages; and it would be a Solecism to suppose, that such parties could be out, without the knowledge of their Commander in Chief I have the Honor etc.³

To SIR GUY CARLETON

Head Quarters, September 16, 1782.

Sir: Your Excellency's Letter of the 12th. came to my Hands Yesterday.

3. The draft is in the writing of Jonathan Trumbull, jr.

Carleton's letter of August 29, in the *Washington Papers*, respecting Governor Livingston's letter, also said: "If these Indians come not solely to revenge the cruelties ties practised on their Brethren, their motives are to me wholly unknown. To my knowledge, they cannot have directions from the Commander in Chief on that side; and these proceedings not only have my disapprobation, but I shall very willingly assist in restoring tranquility on that frontier also." This letter was sent to Congress by Washington on September 30.

The Want of some very necessary papers, which were expected from Phila by Yesterdays Post, puts me under the necessity of proposing to your Excellency that the Meeting of the Commissioners may be postponed, untill Wednesday of next Week at which time, I hope, we cannot fail to be ready to proceed to Business. I am etc.⁶¹

To SIR GUY CARLETON

Head Quarters, October 2, 1782.

Sir: Your Excellency will have been informed by your Commissioners, of the causes which obstructed their proceeding upon business at the late meeting at Tappan.

The Commissioners on the part of the United States laid before those appointed by your Excellency and Admiral Digby a remonstrance on the subject of the immense expence arising from the support of so great a number of British Prisoners as we now have in our possession, without any present compensation or proper security for the payment hereafter. This remonstrance your Commissioners

did not think themselves at liberty to accept, I am therefore under the necessity of furnishing your Excellency with a Copy of it⁴⁴ and of assuring you agreeable to

61. The draft is in the writing of Jonathan Trumbull, jr.

44. The report of the Exchange Commissioners at Tappan. Not now found in the *Washington Papers* or the *Papers of the Continental Congress*. Copies of sundry documents on which this report was based are, however, in the *Papers of the Continental Congress*, no. 149, vol. 2, fols. 7-47.

my instructions from the Honble. the Congress of the United States "that if this like former representations should produce no effect it will be high time to take measures however disagreeable for diminishing a Burthen which is become intolerable." I have the honor etc.⁴⁵

To CAPTAIN CHARLES ASGILL

Head Quarters, October 7, 1782.

Sir: I have to acknowledge your favor of the 27th of Septemr.

The Circumstances which produced, in the first Instance, your unfortunate Situation, having in some Measure changed their Ground, the whole matter has been laid before Congress for their Directions: I am now waiting their decision.

I can Assure you I shall be very happy should Circumstances enable me to announce to you, your Liberation from your disagreeable Duresse. I am &c.⁶⁴

45. The draft is in the writing of Tench Tilghman.

On October 3 Washington sent a copy of this letter to Carleton, the Secretary at War, in a brief note, requesting that it "be laid before Congress." Carleton answered (October 25), and Washington forwarded a copy of the answer to Congress in a brief note dated Nov. 1, 1782. These drafts are in the *Washington Papers*.

64. The draft is in the writing of Jonathan Trumbull, jr.

To CAPTAIN CHARLES ASGILL

Head Quarters, November 13, 1782.

Sir: It affords me singular pleasure to have it in my power to transmit you the inclosed Copy of an Act of Congress of the 7th. instant, by which you are released from the disagreeable circumstances in which you have so long been; supposing you would wish to go into New York as soon as possible. I also inclose a passport for that purpose.

Your letter of the 18th. of October came regularly to my hands; I beg you to believe, that my not answering it sooner, did not proceed from inattention to you, or a want of feeling for your situation; I daily expected a determination of your case, and I thought it better to await that, than to feed you with hopes that might in the end prove fruitless. You will attribute my detention of the inclosed letters, which have been in my hands about a fortnight, to the same cause.

I cannot take leave of you Sir, without assuring you, that in whatever light my agency in this unpleasing affair may be viewed, I was never influenced thro' the whole of it by sanguinary motives; but by what I conceived a sense of my duty, which loudly called upon me to take measures however disagreeable, to prevent a repetition of those enormities which have been the subject of discussion. And that this important end is likely to be answered without

the effusion of the Blood of an innocent person is not a greater relief to you than it is to Sir Yr. etc.⁹³

To SIR GUY CARLETON

Head Quarters, November 20, 1782.

Sir: Your Excellency will have been informed before this reaches you of the liberation of Capt. Asgill. I am, notwithstanding, directed to recall your attention to that part of your letter of the 13th. of August last, in which you say "I have given orders to the Judge Advocate, to make further inquisition, and to collect evidence for the prosecution of such other persons as may appear to have been criminal in this transaction."

In full confidence, that measures have been taken to carry your Excellency's intentions into execution, I am to request the favor of you to inform me, what probability there is, that the persons,

who have been really guilty of the action which has been the subject of former discussion, will be brought to a proper account. I have the honor etc.²⁸

93. The draft is in the writing of Tench Tilghman.

28. The draft is in the writing of Tench Tilghman.

To SIR GUY CARLETON

Head Quarters, November 27, 1782.

Sir: I have been honored with you Excellency's letter of the 23d. Supposing it would be more agreeable to you, as it will be to me, that Capt. Armstrong and two other Gentlemen, should accompany the supplies proposed to be sent to the Prisoners of War, I have included them in the Passports for the Amazon. Upon Capt. Armstrongs arrival at Wilmington, he will be pleased to report himself to Major Genl. Lincoln, Secretary at War, at Philada. and furnish him with an exact Return of the number of Packages under his care and their Contents. The Secretary at War, to whom I have written, will then furnish him with passports for the safe conduct of the Goods to the interior country.

I must request the favor of your Excellency to give strict order that no Goods besides those really proper and necessary for the Officers and Men be covered under the Flag; such practices have prevailed, in some instances, before your Excellency came into command and very disagreeable consequences have followed. I have the honor etc.⁴⁸

48. The draft is in the writing of Tench Tilghman, and is followed by a draft, also by Tilghman, of the passport for the ship *Amazon*, John Floyd, master, to proceed from New York to Wilmington. The passport is dated November 27.

To SIR GUY CARLETON

Head Quarters, December 6, 1782.

Sir: In consequence of a request from the Executive of the State of Pennsylvania, I must beg the favor of your Excellency to procure and transmit me a passport for the Sloop Cohansey, John

Kemp Master, navigated by four Seamen, from Philada. to New York and back, with about 200 Barrels of Flour and 100 Bushels of Potatoes for the use of the Marine prisoners belonging to the State of Penna.

The season is so far advanced that I would wish to receive the passport as speedily as possible. I have the honor etc.

I beg pardon for troubling your Excellency with the inclosed, which respects the consignment of the Articles before mentioned.⁸⁹

To SIR GUY CARLETON

Head Quarters, December 9, 1782.

Sir: I do myself the honour to inclose you a letter from Governor Harrison of Virginia. Should your Excellency see proper to send out the Money² mentioned by the Governor, Lieut. Colo. Smith who Commands the Post at Dobbs's ferry will have orders to receive it. I have the honour etc.

89. The draft is in the writing of Tench Tilghman.

On December 6 Washington wrote briefly to President John Dickinson, of Pennsylvania, that he had made the above application to Sir Guy Carleton. This draft is in the *Washington Papers*.

On December 15 Washington wrote again, briefly, to President Dickinson that Carleton had immediately granted the desired passport in "a very polite Letter...which I now have the pleasure of enclosing." The original of this letter is in the Historical Society of Pennsylvania.

2. The money, amounting to £262.16.0, was to settle the damages on account of the vessel captured in Hampton Roads by the crew of a British flagboat. (See Washington's letter to Gov. Benjamin Harrison, June 18, 1782, *ante*.)

To SIR GUY CARLETON

Head Quarters, December 24, 1782.

Sir: I have been favored with your Excellency's three several Letters of the 11th and 12th instant: covering the report of the Judge Advocate of your Army respecting a farther inquisition which had been proposed to be made into the murder of Capt. Huddy; a representation of Lieut. Reinking relative to the treatment of the German Prisoners at Reading; and a Passport for a Vessel to proceed from Philadelphia to New York with necessaries for our Naval Prisoners.

I should have done myself the honor of acknowledging the receipt of these Dispatches some days sooner, had I been myself sufficiently possessed of the facts to have given so particular and explicit an ansr. to Mr. Reinkings representation as I wished, without having recourse to the Gentleman who was immediately concerned in the safe keeping of the Prisoners of War; having obtained a reply from the Honble the Secy at War to my Letter on this subject, I now take the liberty of inclosing a Copy of it to your Excellency.⁹¹

I am much obliged by your mentioning the state of the American Marine Prisoners. As the management of that business was properly in the Department of the Agent of Marine, I have given an extract of your Letter to Mr Morris, and flatter myself the necessary relief will be provided for them without loss of time.

Some time previous to the receipt of your

91. A copy of Secretary Lincoln's letter to Washington, Dec. 22, 1782, is in the *Washington Papers*.

letter, in which you mention the situation of Captain Schaak, permission had been given for that Gentleman to go into New York on his Parole, and I am unacquainted with the reasons which have prevented his arrival at that place. I have the honor etc.⁹²

92. The draft is in the writing of David Humphreys.

To SIR GUY CARLETON

Head Quarters, January 1, 1783.

Sir: As the passage of flags by water between the Posts of Kingsbridge and Dobbs Ferry will soon become very precarious if not totally impracticable on account of the ice; I have the honour to inform your Excellency, that whenever it is found more convenient for your flags to proceed by land,

they will be received by the Officer Commanding at the New Bridge on the Croton; it will therefore be optional to send them to that place or Dobbs Ferry, during the winter. I have the honor etc.³

To JOHN SHUTTLEWORTH

Head Quarters, January 1, 1783.

Sir: In answer to your favor of the 22nd Ulto. I have to inform you, that the Resolutions of Congress respecting Persons coming from any parts of the British Dominions into any of the United States are so pointed, that I cannot think myself at liberty to comply with your request; your only mode of application must be to the Executive of the State of Maryland, or

3. The draft is in the writing of David Humphreys.

the Delegates of that State in Congress, to whom any Letters you may think proper to write on the subject, will be forwarded from the Post of Dobbs Ferry. I am etc.⁵

To CLELAND KINLOCH

Head Quarters, January 1, 1783.

Sir: I am to acknowledge the recet. of your Letter of the 29th Decr. and am extremely sorry that I cannot consistently comply with your request, Congress having by their Resolves of October last directed that "no Subjects of his Britannic Majesty coming directly or indirectly from any part of the British Dominions be admitted into any of the United States during the War."

The only mode therefore by which you may obtain the permission you desire is by an application to the Executive power of the State of which you mean to become a Citizen or to the Delegates of that State in Congress; their permission will be sufficient for me to admit you within our lines. I am etc.⁴

5. The draft is in the writing of David Humphreys.

4. The draft is in the writing of Benjamin Walker.

To REAR ADMIRAL ROBERT DIGBY

Head Quarters, February 10, 1783.

Sir: I do myself the honor to transmit to your Excellency, a Letter from the Governor and Council of Maryland which came to me inclosed in a Letter from Mr. Giles an Extract of which I also have the honor to inclose. It is not in my department, and I should therefore have returned it, to go thro' the Agent of Marine, but the consequences that might attend a delay, induced me to dispense with the regular mode in this instance, and to transmit the application directly to your Excellency. I am &c.⁶⁷

To EDWARD GILES⁷³

Head Quarters, February 12, 1783.

Sir: I was last Post favored with your Letter of the 31 January, inclosing a Letter from the Governor and Council of Maryland to Admiral Digby, requesting a Passport for a Vessel to carry you to Bermuda.

This application should have gone thro Mr. Morris as Agent of Marine, it being intirely out of my department,

67. The draft is in the writing of Benjamin Walker.

73. Of Maryland.

however as a delay in the transaction of this business might have been fatal to you, I did not hesitate to send the Letter directly to the Admiral and to write to him my Self on the Subject, and his Answer, when it arrives shall be forwarded to you immediately.⁷⁴

To ROBERT HOAKESLY

Head Quarters, March 3, 1783.

Sir: Your Memorial respecting the Goods taken from you at York Town, has been received some Time ago. But Majr Genl St Clair, whom you name, who Presided at the Board of Officers, which decided your Case, and to whom I wish to submit the Consideration of the matter now referred to you, having been Absent from Camp during the Winter, has prevented my giving you an earlier Answer. Genl St Clair is now daily expected to join the Army; as soon as he arrives, your papers will be committed to the Consideration of the Gentlemen who formed the other Board, and upon receiving their Opinion, you will be informed of my further Determinations. I am &c.⁶⁹

74. The draft is in the writing of Benjamin Walker.

69. The draft is in the writing of Jonathan Trumbull, jr.

To CAPTAIN JOHN WORMELEY²⁸

Head Quarters, March 12, 1783.

Sir: I have received your favor of the 3d Inst. requestg Liberty to pass into Virginia.

It has long since been an established principle with me, to admit no *Citizen* from the Enemy's Lines to pass into any of the States, without first obtaining the Permission and Consent of the Executive of the individual State into which he wishes to be admitted.

Agreeable to this Idea, you will please to observe, that your Application in the first Instance, should be made to the Govr. of Virginia. If you think proper to do this, and permission is obtained from the Civil power of the State for the purpose you wish, my

28. Formerly a captain in the British Army.

passport will be readily granted to you.

Should you address a Letter to the Executive of Virginia, under Cover to me, I will put it into the proper Channel for Conveyance. I am &c.²⁹

To SIR GUY CARLETON

Head Quarters, April 7, 1783.

Sir: I have been honored with your Excellency's Letter of the 31st of March, enclosing an Extract of a Letter from General Haldimand, with an Extract of a Speech of the Six Nation Indians.

29. The draft is in the writing of Jonathan Trumbull, jr.

The Speech I conceive to be rather uncandid. I have good reason to believe that the Severities the Indians have experienced, have been drawn upon themselves by their own barbarous Conduct. But as those Transactions have not been under my Direction, I am unable to speak of them, but as I have been authorized by Report. The Cruelties exercised on both Sides are intirely repugnant to my Ideas. The Death of Colo. Crawford, I do not think was so justly procured as the Indians declare; for I think I am authorized to say, that he was not in the least concerned in the unhappy Massacre of the Moravian people. Your Excely's Letter, with its Enclosures has been transmitted to Congress, who will take such Measures as their Wisdom shall direct.

Not having received any official Accounts of Peace, it is not in my power to give General Haldimand those Communications upon that happy Event, which your Excellency intimates, or that my own Benevolence would Dictate. I have the Honor, etc.²¹

To SIR GUY CARLETON

Head Quarters, April 9, 1783.

Sir: I feel great satisfaction from your Excellency's Dispatches by Capt Stapleton, conveying to me the Joyful

21. The draft is in the writing of Jonathan Trumbull, jr.

On April 7 David Humphreys wrote to Colonel Nicola that the Commander in Chief orders "the sentence against William Ryon of the Invalid Regt to be carried into execution." Humphreys's draft is in the *Washington Papers*.

enunciation of your having received Official Accounts of the Conclusion of a general Peace, and a cessation of Hostilities.

Without official Authority from Congress, but perfectly relying on your Excellency's Communication, I can at this Time, only issue my Orders to the American Outposts to suspend all Acts of Hostilities until further Orders; this shall be instantly done; And I shall be happy in the momentary Expectation of having it in my power to publish, to the American Army, a general Cessation of all Hostilities between G Britain and America.

To your Excellency's Observations respecting particular Articles of the Peace, I am obliged to reply, that it rests with Congress to direct Measures for the Observance of all the Articles contained in the provisional Treaty.²⁵ Your Excellency may be assured that as soon as I receive my Instructions from the Sovereign power of the United States, I shall rejoice, in giving every facility in my power to carry it into compleat Execution, that Article of the Treaty which respects the Restitution of all prisoners of War, being perfectly disposed to contribute to the diffusing, as much as possible, the happy Effects of this great Event.

I thank your Excellency for the Assurances you are pleased to express of your readiness to cultivate that spirit of perfect good Will and Conciliation, which you wish should take place between the King of G Britain and the United States and the Citizens and Subjects of both Countries. And I beg Sir, that you will please to accept a Tender from me of reciprocal good Will and Attention;

25. At this point in the draft the following is crossed out: "and I have not a Doubt on my Mind, but that that Hono Body wall cause strict Attention to be paid to every stipulation which the Commissioners in Europe have agreed to. For my own part."

accompanied with sincere Congratulations to your Excellency on this joyful Restoration of Peace and general Tranquility, with an earnest Wish, that, resting on the firm Basis of mutual Interest and good Will, it may prove as lasting as it is happy. I have the Honor etc.²⁶

PASSPORT TO CAPTAIN RICHARD P. TONGE AND WILLIAM ROBERTSON³⁶

Head Quarters, April 10, 1783.

Permission is hereby granted to Capt Richd P. Tonge and Mr Wm Robertson, British Officers, bearing Dispatches from Sir Guy Carleton in N York to General Haldimand, to pass thro the Country, by such route as they shall find most Convenient, to Canada, with their Letters and Baggage; and all

Officers Civil and Military, are requested to Afford them such Aid in their Journeys, as shall be found necessary.³⁷

26. The draft is in the writing of Jonathan Trumbull, jr.

36. Of the naval department in Canada.

37. The draft is in the writing of Jonathan Trumbull, jr.

To REAR ADMIRAL ROBERT DIGBY

Head Quarters, April 11, 1783.

Sir: Captain Hurlbutt, an Officer of this Army, who was dangerously wounded about two Years since, wishing to return to his home and being still unable to bear the fatigue of a conveyance by Land; I have to request the favor of your Excellencys Passport for a small Vessel to convey him by Water to New London.³⁸ Captain Hurlbutt will be accompanied only by another Gentleman and the small number of Persons necessary to Navigate the Vessel. I have the honor etc.³⁹

To BRIGADIER GENERAL ALLAN MACLEAN

Head Quarters, Newburgh, April 14, 1783.

Sir: I have the honor to inform you that on the 3d of April 1 received from Sir Guy Carleton the enclosed Extract of a Letter from General Haldimand No. 1. On the 8th A Proclamation of the King of great Britain was sent me by Sir Guy, No 2. And on the 10th. a Letter, of which No 3 is Copy was received, requesting Passports for two Gentlemen bearing Dispatches from the British Corer in Chief to Genl Haldimand, announcing the ratification of the preliminary

38. On April 15 Digby granted this passport, and on April 18 Washington issued his passport for a sloop to proceed from Newburgh to New London in which Hurlbut was to proceed. A Captain Arthurs, a British naval prisoner, who was in ill health. was to go in the sloop to New York City. Digby's passport and the draft of Washington's letter are in the *Washington Papers*

39. The draft is in the writing of Benjamin Walker.

Articles of a general Peace, and Cessation of Hostilities. A passport was immediately granted, and the Gentlemen are on their Way to Canada.

The Distance to Genl Haldimand being great, and his Situation so wide from your post that great Time must elapse before you can receive his Dispatches; I have taken the Liberty to make this Communication to you by the directest Route in my power. In Confident Hope, that, altho you may not deem this Information *Official*, yet that your Benevolence will cause it to be regarded with such Attention that, if it does not produce a total Cessation of Hostilities within your Command yet may at least prevent any unnecessary and Wanton Acts of Cruelty which may have been threatened⁴⁹ by the Indians on the frontiers; and which may in, their Consequences, prove as disagreeable to them as distressing to the Inhabitants of the United States. I have the Honor etc.⁵⁰

49. The letter sent has "meditated."

50. The draft is in the writing of Jonathan Trumbull, jr. The letter sent is in The British Museum, Addl. Mss., 21,763, and varies from the above draft in minor verbal details only.

On April 14 Humphreys wrote a brief note to Brig. Gen. John Paterson anti other commanding officers of the various State lines in the Army, stating that the Commander in Chief permitted the sending of volunteer artificers to assist Lieut. Col. Udney Hay in rebuilding his house. A contemporary copy of this draft, is in the *Washington Papers*.

To SIR GUY CARLETON

Head Quarters, April 21, 1783.

Sir: I have the satisfaction of inclosing to your Excellency a Proclamation which I have received from the Sovereign Power of the United States, ordering a general Cessation of Hostilities, as well by Sea as Land, with Directions that the same should be published to all their Subjects under my Command. In Compliance to these Instructions the same has been made Public in the American Camp on the 19th. with my Orders that It should be made known and publicly proclaimed at all the out Posts of the American Army, as soon as possible.

In Consequence of this Declaration and in Conformity to the Articles of the Treaty, Congress have been pleased to pass their Resolutions of the 15th. instant, directing Arrangements

to be formed for the Liberation of all prisoners, and other purposes which your Excellency will Collect from the Inclosed Copy Which I transmit for your Observation.

In a Conference which I have had yesterday with the Minister at War agreeable to the Terms of the above Resolution, It has been agreed between us, that the land Prisoners should be liberated as soon as possible, and that Orders should be immediately given for commencing their March towards N York. But as their Situation by being removed to the interior of the Country, is far distant from N York, which will make their March disagreeable and lengthy; we have agreed to submit it to your Excellencys Option, whether to have them marched the whole distance through the Country, Or to have them delivered at the nearest Water which may be convenient for your Ships to receive them; should you choose the latter the followg arrangement has been determined. The prisoners who are lodged at Frederick Town and Winchester in the States of Virginia and Maryland, in Number about 1500 including Women and Children, will begin their March on the Route towards Baltimore, where they may arrive On the 10th of May; at which Time, should your Ships be ready to receive them there, they may be embarked and proceed to N York; if Ships are not directed to receive them at the Time mentioned, Baltimore, they will proceed by Land to the Delaware. The remainder of the Prisoners, being in Pennsylvania, amounting to about 4500, may all (except those at Reading, which are between 300 and 400) be embarked with those from Frederick and Winchester,

should they not be received at Baltimore, at Philadelphia, provided your Ships are there by the 5th. of May at farthest to receive them. Should Ships not be ordered by your Excellency to take them by Water, they will be marched in convenient Detachments of about 500 each, through the Country to Elizabeth Town, with all convenient Expedition. In any Case, those from Reading, being in the upper part of Pennsylvania, will march directly to Elizabeth Town.

It is also submitted to your Excellencys Option, to send or not, as you shall think proper, an additional Number of Officers to attend the March of the Prisoners through the Country, and to prevent any irregularities that disorderly persons may be disposed to commit.

In either Alternative, respectg the Receipt of the prisoners, your Excellency, will be pleased to give the earliest Information to the Minister at War in Philadelphia, of your Determination, that he may be able to make the necessary and timely Dispositions to pay all possible attention to your Choice; to expedite this Purpose, and for the Convenience of Transmission I inclose a passport for such Officer as you shall think proper to charge with your Dispatches on this Occasion.⁸⁰

Respecting the other Subjects contained in the enclosed Resolution of Congress, as they may be discussed with more precision and dispatch by a personal conference, than by writing, I have to

propose a personal Interview between your Excellency and myself, at some convenient Time and intermediate place

80. The draft of a passport, in blank, for Carleton to fill in with the names of such officers as he wished, accompanies this letter, which is in the *Washington Papers*.

such as may be agreed upon between your Excellency and Colo Humphry, my Aide D Camp, who will have the honor to deliver this Letter. I would only suggest that in point of time the earliest Day that your Excellency can name, will be most agreeable to me. Should an Interview be consented to on your part, the Governor of this State, being particularly interested in Any Arrangements which respect the Restitution of the Post of N York, will attend me, on this Occasion.⁸¹ I am etc.⁸²

81. The letter itself was sent into New York by the hand of Lieut. Col. David Humphreys, for whom a passport was issued April 21. The draft of this passport is in the *Washington Papers*.

In reply Carleton wrote (April 24): "Considering the quantity of tonnage necessary for the evacuation of this place, and that most part of what we have at hand is now actually employed in this business, and in the removing of incumbrances, which must be sent of previous to our departure, I am reduced to the necessity of adopting the march of those prisoners by land, and I shall accordingly avail myself of your Excellency's passport, and acquaint the Minister at War of the choice I am obliged to make, and the reasons of it. 1 cannot decline the personal interview proposed by your Excellency, and purpose being in a frigate as near Tappan as may be, where I understand you mean to lodge. If I hear nothing from you to occasion an alteration, I intend being up on the 5th. of May, accompanied by a smaller vessel or two, for the accommodation of Lieutenant Governor Elliot, Chief Justice William Smith, and part of my family." Carleton's letter is in the *Washington Papers*.

82. The draft is in the writing of Jonathan Trumbull. jr.

To CAPTAIN JOHN WORMELEY

Head Quarters, April 28, 1783.

Sir: In reply to your Letter of the 17th. Instant I can only say: That having forwarded your Letter to Governor Harrison, by a good Conveyance, and having good reason to suppose it has not failed; it will be very improper for me, in my situation, to interest myself any further; nor can I presume to

give you any further Directions in your Case until you have an Answer to your Application to the State of Virginia. I am &c.¹²

SUBSTANCE OF A CONFERENCE BETWEEN GENERAL WASHINGTON AND SIR GUY CARLETON

Orange Town, May 6, 1783.

General Washington opened the Conference by observing that he heretofore had transmitted to Sir Guy Carleton the Resolutions of Congress of the 15th. Ultio. that he conceived a personal

12. The draft is in the writing of Jonathan Trumbull, jr.

Conference would be the most speedy and satisfactory Mode of discussing and sealing the Business and that therefore he had requested the Interview. That the Resolutions of Congress related to three distinct Matters namely the setting at Liberty the Prisoners, the receiving Possession of the Posts occupied by the British Troops and the obtaining the delivery of all negroes and other Property of the Inhabitants of these States in the possession of the Forces or Subjects of or adherents to his Britannic Majesty. That with respect to the Liberation of the Prisoners, he had as far as the Business rested with him, put in Train by meeting and conferring with the Secretary at War and concerting with that Officer the proper Measures for collecting the Prisoners and forwarding them to New York and that it was to be optional with Sir Guy Carleton whether the Prisoners should march by Land or whether he would send Transports to convey them by Sea and that the Secretary at War was to communicate with Sir Guy Carleton on the subject and obtain his Determination and with respect to the other two Matters which were the Objects of the Resolution General Washington requested the Sentiments of Sir Guy Carleton. Sir Guy Carleton then observed that his Expectations of a Peace had been such as that he had anticipated the Event by very early commencing his Preparations to withdraw the British Troops from this Country and that every Preparation which Iris Situation and Circumstances would permit was still continued, that an additional Number of Transports and which were expected were necessary to remove the Troops and Stores, and as

it was impossible to ascertain the Time when these Transports would arrive their Passages depending on the Casualties of the Seas he was therefore unable to fix a determinate Period within which the British forces would be withdrawn from the City of New York, but that it was his Desire to exceed even our own Wishes in this respect and that he was using every Means in his Power to effect with all possible Dispatch an Evacuation of that and every other Post within the United States occupied by the British Troops and under his Direction, that he considered as included in the

Preparations for the final Departure of the British Troops the previously sending off those Persons who supposed that from the part they had taken in the present War it would be most eligible for them to leave this Country and that upwards of 6.000 Persons of this Character had embarked and sailed and that in this Embarkation a Number of Negroes were comprised. General Washington thereupon expressed his Surprise that after what appeared to him an express Stipulation to the Contrary in the Treaty Negroes the Property of the Inhabitants of these States should be sent off; to which Sir Guy Carleton replied that he wished to be considered as giving no Construction to the Treaty that by *Property* in the Treaty might only be intended Property *at the time* the Negroes were sent off, that there was a difference in the Mode of Expression in the Treaty Archives Papers &c. were to be *restored*, Negroes and other Property were only not to be destroyed or *carried away* but he principally insisted that he conceived it could

not have been the intention of the British Government by the Treaty of Peace to reduce themselves to the necessity of violating their Faith to the Negroes who came into the British Lines under the Proclamation of his Predecessors in Command, that he forbore to express his Sentiments on the Propriety of these Proclamations but that delivering up the Negroes to their former Masters would be delivering them up some possibly to Execution and others to severe Punishment which in his Opinion would be a dishonorable Violation of the public Faith pledged to the Negroes in the Proclamations that if the sending off the Negroes should hereafter be declared an Infraction of the Treaty, Compensation must be made by the Crown of Great Britain to the Owners, that he had taken Measures to provide for this by directing a Register to be kept of all the Negroes who were sent off specifying the Name Age and Occupation of the Slave and the Name and Place of Residence of his former Master.

General Washington again observed that he conceived this Conduct on the part of Sir Guy Carleton a Departure both from the Letter and Spirit of the Articles of Peace and particularly mentioned a Difficulty that would arise in compensating the Proprietors of Negroes admitting this Infraction of the Treaty could be satisfied by such compensation as Sir Guy Carleton had alluded to, as it was impossible to ascertain the Value of the Slaves from any Fact or Circumstance which may appear in the Register, the value of a Slave consisting chiefly in his Industry and Sobriety and General Washington further mentioned a Difficulty which would

attend identifying the Slave supposing him to have changed his own Name or to have given in a wrong Name of his former Master. In answer to which Sir Guy Carleton said that as the Negro was free and secured against his Master he could have no Inducement to conceal either his own true Name or that of his Master. Sir Guy Carleton then observed that he was not by the Treaty held to deliver up any Property but was only restricted from carrying it away and therefore admitting the

Interpretation of the Treaty as given by Genl. Washington to be just he was notwithstanding pursuing a Measure which would operate most for the Security of Proprietors for if the Negroes were left to themselves without Care or Control from him Numbers of them would very probably go off and not return to the parts of the Country they came from, or clandestinely get on board the Transports in Manner which it would not be in his Power to prevent in either of which Cases and inevitable Loss would ensue to the Proprietors but as the Business was now conducted they had at least a Chance for Compensation; and concluded the Conversation on this Subject by saying that he imagined that the Mode of compensating as well as the Accounts and other Points with respect to which there was no express Provision made by the Treaty must be adjudged by Commissioners to be hereafter appointed by the two Nations.

The Subject of with-drawing the British Troops from the Territories of the United States was again resumed and Sir Guy Carleton declared his Willingness at a short day to be

agreed on between him and General Washington to evacuate his Posts in West Chester County and to issue his Orders that the British Troops should not on any Pretence pass the River, which separates that County from the Island of New York but with respect to a Relinquishment of any part of Long Island he was apprehensive it would be attended with Difficulties and Inconveniences and, particularly he was fearful it would tend to favor Desertions from the British Army and therefore he would give no determinate Answer, but he was disposed immediately to abandon Penobscot if General Washington chose it, tho' he said that would necessarily retard the Evacuation of New York as there was not a competent Number of Transports to convey the Troops and Stores from both Places at the same time.

The Conference lasted some Hours but as much passed which both General Washington and Sir Guy Carleton expressed their Wishes might be considered as desultory Conversation it is not recapitulated in the above Narrative which contains only the Substance of the Conference as far as it related to the Points intended to be discussed and settled at the Interview.

We having been present at the Conference do certify the above to be true. Geo: Clinton. Jno: Morin
Scott. Egbt. Benson. Jona. Trumbull Junr .³⁴

34. In the writing of Egbert Benson and signed also by him and the others.

To SIR GUY CARLETON

Orange Town, May 6, 1783.

Sir: In my Letter of the 21st of April, I enclosed to your Excellency a Copy of a Resolution of Congress of the 15th, instructing me in three points, which appeared necessary for carrying into Effect the Terms of the Treaty between G B. and the United States of America; and informed you that such part as rested upon my Decision and which regarded the Release of prisoners, had been determined and was then ordered to be carried into Execution. Upon the other two points, as they respected the Receive possession of the Posts in Occupation of the British Troops and the carrying away any Negroes or other Property of the American Inhabitants, and both being within your Controul, I had the Honor to propose a personal Interview with your Excellency; that the subject might be freely discussed, and that measures might be agreed upon for carrying into Execution those Points of the 7th Article of Treaty, agreeable to their true Intent and Spirit.

Having been favored this Day with a personal Conference, I have now, to prevent Misapprehension or misconstruction, and that I may be enabled to fulfill my Instructions with fidelity and with Candor, the Honor to propose, agreeable to our Conversation, that your Excellency will be pleased to give me in writing, Information of what measures are adopting on your part for

carrying into Execution, that point of the Treaty which regards the Evacuation of the Posts now in possession of the British Troops and under Your Excellency's Command; and also at what Time it is probable those Posts or any of them may be relinquished and the fleets and Armies of his Britannic Majesty withdrawn.

Respecting the other point of Discussion, in addition to what I mentioned in my Communication of the 21st ulto. I took occasion, in our Conference to inform Your Excellency, that in Consequence of your Letter of the 14th. of April to R R Livingston Esqr, Congress had been pleased to make a further Reference to me, of that Letter, and had directed me to take such Measures as should be found necessary for carrying into Effect the several Matters mentioned by you therein. In the Course of our Conversation on this point, I was surprized to hear you mention, that an Embarkation had already taken place, in which a large Number of Negroes had been carried away. Whether this Conduct is consonant to, or how far it may be deemed an Infraction of the Treaty, is not for me to decide. I cannot however conceal from your Excellency that my private opinion is, that the measure is totally different from the Letter and Spirit of the Treaty. But waving the Discussing of the point, and leaving its decision to our respective Sovereigns, I find it my Duty to signify my Readiness, in Conjunction with your Excellency, to enter into any Agreements, or take any Measures which may be deemed expedient to prevent the future Carrying away *any Negroes or other property* of the American can Inhabitants.

I beg the favor of your Excellency's Reply, And have the Honor etc.³⁶

36. The draft is in the writing of Jonathan Trumbull, jr.

To REUBEN HARVEY

Head Quarters, June 23, 1783.

Sir: I was yesterday favored with your Letter of the 12th february, and this day I transmitted the papers which accompanied it to the President of Congress, with a Letter of which the inclosed is Copy.

Your early attachment to the Cause of this Country and your exertions in relieving the distresses of such of our fellow Citizens as were so unfortunate as to be Prisoners in Ireland, claim the regard of every American and will always entitle you to my particular esteem. I shall always be happy in rendering you every Service in my power, being with great truth, Sir your etc.⁴⁵

45. The draft is in the writing of Benjamin Walker.

Washington forwarded this letter through Daniel Cullimore, accompanied by a brief note (June 23) to the latter: "I now inclose you a Letter for Mr Harvey, which I take the liberty to request you to forward." This draft is in the *Washington Papers*.

To LIEUTENANT THEODORE GEBHARD⁶⁶

Head Quarters, July 1, 1783.

Sir: Your favor of the 5th of June, reached me a few Days ago.

It has been owing to some Mistake, that you and the Troops under your care at Rutland, have not been liberated. I have lost no Time to inform the Secretary at War of your Circumstances, and you may soon expect his Orders for your Removal to N York. I am &c.⁶⁷

To LIEUTENANT GENERAL FREDERICK HALDIMAND

Head Quarters on Hudsons River, July 12, 1783.

Sir: The Congress of the United States having instructed me to make the proper Arrangements with the Commanders in Chief of the British forces in America, for receiving possession of the posts in the United States occupied by the Troops of his Britannic Majesty, and from which his Majesty's Troops are to be withdrawn, agreeably to the 7th Article of the provisional Treaty; I have to inform your Excellency that I have desired Major General the Baron de Steuben, who will

66. Of the regiment Hereditary Prince, Brunswick troops, German allied troops.

67. The draft is in the writing of Jonathan Trumbull, jr.

have the Honor to deliver this Letter, to proceed for that purpose into Canada; and I have fully empowered and authorised him to form every Arrangement with your Excellency, which may be found necessary for receiving possession of the posts and fortresses on the Northwestern and Western Frontier of the territory of the United States now under your Direction. And I [beg you to be perswaded], that whatever Agreements this Officer shall form with your Excellency, respecting this Business, will be punctually observed on the part of the U States.

Baron Steuben is instructed to visit the posts within the Boundary of the United States upon the River St. Lawrence and the Lakes above, and to report to me his Opinion of the measures necessary for the garrisoning and Support of them. In this Tour, and in the Execution of this Business, I flatter myself he will receive the necessary passports from your Excellency, and derive such Aids as will enable him to fulfill the Objects of his Commission.

As a foreigner, and an Officer of Rank and Reputation, I beg leave to recommend the Baron to your Excellency's particular Notice and Attention; [as a Gentn. you will find him every way worthy of your Civilities.] I have the Honor etc.⁹⁵

95. The draft is in the writing of Jonathan Trumbull, jr. The words in brackets are in the writing of Washington.

To BARON RIEDESEL

Head Quarters, July 14, 1783.

Sir: I had the Satisfaction of receiving your polite Letter of the 21st of June by Lieut D'anier,⁹⁶ and the particular pleasure of complying with your request, by granting the passports you mentioned for that Gentleman, to go into N York, and to return again to Canada.

Had this request needed any Apology (which I beg you to believe it did not) your very agreeable Congratulations on the happy return of Peace, With the benevolent wishes, which you are pleased to express for the future friendly Union and Intercourse of the two Countries, and for my own personal happiness and domestic Enjoyment, would have formed a most pleasing one. I pray you to be persuaded Sir! that my best and most devout Wishes, for your safe return to you own Country, attend you, as well as for your future happiness, prosperity, and Glory.

The Baron de Steuben will do me the favor to place this in your Hand; this Gentleman is instructed from me, to form some Arrangements with Genl Haldimand, respecting the Execution of the 7th Article of the provisional Treaty, and receiving possession of the posts now under his Direction and now in the occupation of the British Troops, which are ceded by Treaty to the United States.

96. Lieutenant D'Anieres, of the regiment De Specht, German allied troops.

As an Officer of Distinction and reputation, as a foreigner, and a Gentleman of agreeable and genteel Manners, I beg leave to recommend the Baron to your particular Attention and Civilities, persuading myself that your Goodness will afford him every Aid, in the prosecution of his Tour, and the Execution of his Commission, that shall fall within your power. With much respect etc.⁹⁷

To REUBEN HARVEY⁴⁵

Head Quarters, August 10, 1783.

Sir: I am honored with the care of transmitting to you the inclosed Resolution of Congress,⁴⁶ expressing the Sense which that August Body entertains of your Goodness to the American Prisoners in Ireland.

Impressed as I am, with Sentiments of Gratitude to you, for this Expression of your Benevolence, I feel a very particular gratification in conveying to you the Thanks of the Sovereign Power of the

United States of America, on an Occasion which, while it does honour to Humanity, stamps a Mark of particular Distinction on you.

Wishg you the Enjoyment of Health, with every attendant Blessing, I beg you to be persuaded that I am, etc.⁴⁴

97. The draft is in the writing of Jonathan Trumbull, jr.

45. A merchant in Cork, Ireland.

46. Of July 18, 1783.

44. The draft is in the writing of Jonathan Trumbull, jr.

This reply to the Address of the Legislature was transmitted to Samuel Adams, then President of the Massachusetts Senate, in a brief note of August 10, the draft of which is in the *Washington Papers*.

To LIEUTENANT GENERAL FREDERICK HALDIMAND

Rocky Hill, New Jersey, October 8, 1783.

Sir: I do myself the honor to transmit to your Excellency, a letter from Mr. John Campbell, together with a Schedule of sundry papers which he alledges were taken from him when made Prisoner and delivered to Major De Peyster⁷⁴ at Detroit, and were never returned.

I can have no doubt, but that your Excellency will on receipt of this Letter, cause every measure to be taken which may be most likely to restore to Mr. Campbell the property thus taken, and which, tho so important to him, cannot benefit any other individual. I have the honor etc.⁷⁵

74. Arent Schuyler de Peyster, of the Eighth Foot, British Army. He ranked as a lieutenant colonel in America.

75. In the writing of Benjamin Walker. From a photostat of the original in the British Museum *Addl. Mss.* 21,835, fol. 200.

On October 8 Washington wrote briefly to Schuyler, requesting him to forward this letter to Haldimand. This draft is in the *Washington Papers*.

To SIR GUY CARLETON

Rocky Hill, November 6, 1783.

Sir: I have had the honor to receive your Letter of the 3d of Octr. acquainting me with the arrangements your Excellency has made for the removal of the Troops and Stores of his Britannick Majesty from the Post of Penobscot.

In consequence of the information given by your Excellency to Congress some time past, that you had received Orders for the evacuation of New York, and of the verbal message you were pleased to send by Mr Parker to me, respecting the period of embarkation; I am now induced to request you will be so obliging as to inform me of the particular time, or even the certain day (if possible) when this event will happen.

This information will be extremely interesting to my private [as well as public] arrangements, indeed I should not have troubled your Excellency with the request, but for my peculiar circumstances and the advanced season, which render it essential for me

to be ascertained of the period of your embarkation as early as may be convenient; and which I entreat may be considered as my apology for the present application.

Colo Cobb one of my Aids de Camp, will have the honor of delivering this Letter, and of bearing your Ansr to me. I have the honor etc.⁴⁵

***To SIR GUY CARLETON**

West Point, November 14, 1783.

Sir: I had the honor, Yesterday, to receive by Majr. Beckwith⁶² your Excellencys favor of the 12th. To day, I will see the Governor of this State, and concert with him the necessary arrangements for taking possession of the City of New York and other Posts mentioned in your letter at the times

therein specified; for the information of which you will please to accept my thanks. I have the honor etc.

45. The draft is in the writing of David Humphreys. The words in brackets are in the writing of Washington.

62. Maj. George Beckwith, aide to Carleton.

To SIR GUY CARLETON

Harlem, November 22, 1783.

Sir: I have been honored with your Excellency Letter of the 19th inst.⁷⁹ and for a reply to the propositions contained in it I must beg leave to refer you to His Excellency Govr Clinton, who will inform you by this conveyance, that the Council instituted for the temporary government of the⁸⁰ State, has acceded to your reservations in full confidence that the embarkation will be expedited as much as the circumstances will admit.

With regard to the information that a deliberate combination has been formed to plunder the City of New York,⁸¹ I have to observe, that the intelligence appears to me not to be well founded; at least no intimations of the kind had ever before come to my knowledge; and I can assure your Excellency, such arrangements have been made, as will, in my opinion not only utterly discountenance, but effectually prevent any outrage or disorder, unless the evacuation should be delayed until a much larger number

79. In the *Washington Papers*. It says, in part, that Paulus [Powles] Hook would be evacuated on November 22, but despite every effort New York could not be abandoned on the intended date. "If I have proper assurances that we shall retain a free and uninterrupted use of the Ship-yard and Halletts Wharf, in New York, and the Brewery and Bake House on Long Island, (which the Admiral represents as indispensably necessary for the Shipping and sick Seamen) until we can be ready to take our final departure, I shall retire from this City and from Brooklyn on tuesday next at noon, or as soon after as wind and weather may permit, on retaining (in addition to the reservations above specified) Staten Island, with Denyses, New Utrecht and the circumjacent District on Long Island, for such time as may be found absolutely requisite for the troops that may then remain unprovided with transports."

80. At this point the draft has interlined "So. district."

81. The plot of which Carleton warned Washington was stated to be formed by William Dewees (or Dewit). A family of Webbers who lived at the house "of one Hopper," about "four miles off," were suspected also.

of People shall be collected from the Country than have been assembled as yet for the purpose of going into Town on its being relinquished by your Troops, in which case the difficulty of establishing Civil Government and maintaining good order may be greatly encreased.

[Lt Colo Walker will have the honor to deliver this letter to your Excellency and to assure you of the respectful consideration with which I am, &c.]⁸²

To ANDREW ELLIOT

New York, December 1, 1783.

Sir: Upon the receipt of your letter respecting Mrs. Jauncey,⁸⁹ I did myself the pleasure of waiting upon that Lady, and beg you to be persuaded that I shall be happy in occasions of rendering her any service which may be in my power.

82. The draft is in the writing of David Humphreys. The part in brackets is in the writing of Benjamin Walker.

On November 24 Carleton again wrote to Washington: "Agreeable to the Notification given You in my Letter of the 22d. instant, I purpose to withdraw from this place tomorrow at Noon, by which time I conclude your troops will be near the Barrier. The Guards from the Redoubts and on the East River shall be first withdrawn; but an Officer will be sent out to give information to your advanced Guard when the Troops move." Carleton's letter is in the *Washington Papers*.

The British left behind them in 22 pieces of ordinance, from 6 to 32 pounders, at the various posts of Fort Washington and Tryon, at Laurel Hill, the Grand Battery, Denises, Long Island, Powles Hook, and Brooklyn.

89. Mrs. James Jauncey, jr. She was Judge Elliot's daughter.

I am confident, Sir, it must give you great satisfaction to be informed, that the most perfect regularity and good Order prevail in this City, and that every description of People find themselves under the protection of the Laws of the State.

Wishing you a safe passage and an agreeable sight of your friends, I remain etc.⁹⁰

To SIR GUY CARLETON

New York, December 2, 1783.

Sir: I have received your favor of Yesterday's date, announcing the time of your departure;⁹⁵ and sincerely wish that your Excellency, with the Troops under your Orders, may have a safe and pleasant passage. I have the honor, etc.⁹⁴

90. The draft is in the writing of David Humphreys.

95. "If wind and weather permit, I hope we shall be able to embark the Remainder of His Majesty's Troops from Long Island and Staten Island, and take our final departure on the 4th. Instant."—*Carleton to Washington*, Dec. 1, 1783. Carleton's letter is in the *Washington Papers*.

94. The draft is in the writing of David Tumprheys.